

# Federal Register

Wednesday  
May 16, 1979

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## Highlights

**Telecommunications Device for the Deaf**—Office of the Federal Register provides a new service for deaf or speech impaired persons who need information about documents published in the **Federal Register**. See the Reader Aids section for the telephone listing.

- 28758 Consumers' Education Program** HEW/OE proposes to revise the regulations governing grants and contracts; comments by 7-2-79 (Part III of this issue)
- 28768 Medicare Program** HEW/HCFA refines the definition of hospital special care units and clarifies the requirements for their reimbursement; comments by 7-16-79 (Part V of this issue)
- 28655 Rural Rental Housing** USDA/FmHA amends its rules pertaining to loans; effective 5-16-79
- 28762 National Housing** HUD sets forth procedures for handling bid protests involving HUD-acquired properties; effective 6-8-79 (Part IV of this issue)
- 28659 National Housing** HUD/FHC amends its rule to reflect the increased dollar limitations on units within projects insured under certain sections of the Act; effective 6-8-79

CONTINUED INSIDE



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## Highlights

- 28685 Multiple Dwellings** HUD proposes to increase the maximum loan amount and term of property improvement loans; comments by 7-16-79
- 28660 Income Tax** Treasury/IRS releases final rule to provide necessary guidance to financial institutions wishing to qualify as a domestic building and loan association
- 28657 Air Carriers** CAB amends rules on smoking
- 28656 Certain Air Carriers** CAB eliminates a semi-annual report of freight loss and damage claims
- 28670 Air Carriers** CAB proposes to eliminate filing of schedules of commissions for the sale of air transportation; comments by 7-16-79
- 28750 National Energy Conservation Policy** DOE updates list of corporations which consumed at least one trillion British thermal units of energy (Part II of this issue)
- 28655 Mandatory Petroleum Allocations** DOE/ERA gives notice to the closing date regarding the need for middle distillate set-aside procedures after 6-30-79 will be 5-25-79 rather than 6-15-79
- 28683 Interchange Energy Transmission Rates** DOE/FERC extends comment period to 6-4-79
- 28683 Federal Power** DOE/FERC proposes to amend its rules relating to fuel cost adjustment clauses; comments by 7-2-79
- 28684 Federal Property Management** GSA requires more frequent surveying and reporting by agencies on their precious-metal-generating activities; effective 5-16-79
- 28658 Sugar Content of Certain Articles from Australia** Treasury/Customs issues countervailing duty determination; effective 5-16-79
- 28678 United States Exchange** CFTC proposes rule which will facilitate Commission regulation of foreign individuals and entities engaged in futures trading
- 28747 Sunshine Act Meetings**

### Separate Parts of This Issue

- 28750** Part II, DOE
- 28758** Part III, HEW/OE
- 28762** Part IV, HUD
- 28768** Part V, HEW/HCFA

# Contents

Federal Register

Vol. 44, No. 96

Wednesday, May 16, 1979

- Agriculture Department**  
See Farmers Home Administration; Federal Grain Inspection Service; Forest Service.
- Air Force Department**  
NOTICES  
Meetings:  
28701 Scientific Advisory Board
- Alcohol, Drug Abuse, and Mental Health Administration**  
NOTICES  
Meetings:  
28726 Advisory committees; June
- Army Department**  
See Engineers Corps.
- Arts and Humanities, National Foundation**  
NOTICES  
Meetings:  
28736 Theatre Advisory Panel
- Civil Aeronautics Board**  
RULES  
Air carriers, certificated:  
28657 No-smoking area provisions aboard aircraft  
28656 Air carriers, certificated route, and foreign route air carriers; freight loss and damage claims data reporting; CFR part removal  
Organization, functions, and authority delegations:  
28657 Economic Analysis Office, Director; special reports collection from foreign air carriers; elimination  
PROPOSED RULES  
28670 Air carriers; air transportation sale; commission schedules; elimination of filing requirements  
NOTICES  
Hearings, etc.:  
28699 Air New England  
28700 California-Denver nonstop route authority  
28699 Canada-U.S. small aircraft charter permit authority  
28699 Chicago-Cleveland, Chicago-White Plains, and Burlington, Vt.-Chicago nonstop route authority  
28700 Dallas/Ft. Worth-Phoenix nonstop route authority  
28700 United Air Lines, Inc.
- Coal, President's Commission**  
NOTICES  
28740 Hearings
- Commerce Department**  
See Foreign-Trade Zones Board.
- Commodity Futures Trading Commission**  
PROPOSED RULES  
Reports:  
28678 Foreign brokers and foreign traders; designation of agent in U.S. to receive service of communications
- Customs Service**  
RULES  
Liquidation of duties; countervailing duties:  
28658 Sugar content of certain articles from Australia
- Defense Department**  
See also Air Force Department; Defense Nuclear Agency; Engineers Corps.  
NOTICES  
28705 Privacy Act; systems of records
- Defense Nuclear Agency**  
NOTICES  
28704 Privacy Act; systems of records
- Economic Regulatory Administration**  
RULES  
Petroleum allocation and price regulations:  
28655 Middle distillates, special set-aside program; comment period shortened  
NOTICES  
Consent orders:  
28708 Pauley Petroleum Inc.  
Hearings, etc.:  
28714 J. P. Stevens & Co.; fuel oil displacement certification application  
28709 International transmission lines; U.S.-Canadian border; Presidential permit applications, etc.  
Meetings:  
28714 San Diego Gas and Electric Co.; permit to construct an electric intertie with Mexico  
Remedial orders:  
28709 Monarch Aviation, Inc.
- Education Office**  
PROPOSED RULES  
28758 Consumers education program; grants and contracts  
NOTICES  
Meetings:  
28728 Indian Education National Advisory Council
- Energy Department**  
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.  
PROPOSED RULES  
Assistance regulations:  
28670 Cooperative agreements; editorial corrections  
NOTICES  
28707 Americium-241; proposed price increase  
Industrial energy conservation program:  
28750 Energy consumption; information filing requirements by corporation; updated identification  
Meetings:  
28706, 28707 National Petroleum Council (3 documents)

- Engineers Corps**  
**NOTICES**  
Environmental statements; availability, etc.:
- 28703 Grays Harbor and Chehalis River Navigation Project, Wash.
- 28702 Great River Environmental Action Team (GREAT I) study, Upper Mississippi River
- 28702 Manteo (Shallowbag) Bay Project, N.C.
- 28703 Olympia, Wash.; East Bay marina construction
- 28702 Village Creek, Ala.; flood control study
- Environmental Protection Agency**  
**PROPOSED RULES**  
Air quality implementation plans; approval and promulgation; various States, etc.:
- 28692 Massachusetts
- 28692 Utah
- Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
- 28693 Carbaryl
- 28693 Sodium chlorate
- NOTICES**  
Air quality implementation plans; approval and promulgation;
- 28721 Prevention of significant air quality deterioration (PSD); permit approvals (3 documents)
- Pesticide registration, cancellation, etc.:
- 28719 BIOMET 300
- Pesticides; emergency exemption applications:
- 28723 Permethrin
- 28720 Trifluralin
- 28722 Vydate L
- Pesticides; temporary tolerances:
- 28719 Chlorthiophos
- Water pollution control:
- 28716 Toxic substances; water quality criteria; inquiry; correction
- Water quality standards:
- 28720 State; adoptions and approvals (3 documents)
- Farmers Home Administration**  
**RULES**  
Rural housing loans and grants:
- 28655 Rental housing loan policies, procedures and authorizations
- Federal Disaster Assistance Administration**  
**NOTICES**  
Disaster and emergency areas:
- 28731 Illinois
- 28731 Minnesota
- 28731 Mississippi
- Federal Emergency Management Agency**  
**PROPOSED RULES**  
Flood elevation determinations and flood zone designations:
- 28686, 18687 Minnesota (2 documents)
- 28687 Nebraska
- Federal Energy Regulatory Commission**  
**PROPOSED RULES**  
Electric utilities:
- 28683 Fuel cost adjustment clause; purchases from company-owned or company-controlled sources
- 28683 Interconnections of facilities; rate design for sales and transmission services during fuel shortage emergencies; and rate schedules filing; limiting percentage adders; extension of time and clarification
- Natural Gas Policy Act of 1978:
- 28685 Alternate boiler fuel for large boiler facilities (essential agricultural use); economic determination procedures; hearing change
- NOTICES**
- 28715 Alaska Natural Gas Transportation System; equal employment opportunity and minority business participation in construction; informal public conference and request for comments
- Federal Grain Inspection Service**  
**NOTICES**  
Grain standards; inspection points:
- 28698 Texas
- Federal Housing Commissioner—Office of Assistant Secretary for Housing**  
**RULES**  
Mortgage and loan insurance programs:
- 28659 Moderate income projects; eligibility requirements
- PROPOSED RULES**  
Mortgage and loan insurance programs:
- 28685 Multi-family property improvement loans; loan amount and term increase
- Federal Maritime Commission**  
**PROPOSED RULES**  
Practice and procedure:
- 28694 Intervention in commission proceedings; standards and guidelines
- NOTICES**  
Casualty and nonperformance, certificates:
- 28726 Compania de Vapores Cerulea S.A. et al. (2 documents)
- 28724 Code of conduct for liner conferences; United National Convention; inquiry
- Freight forwarder licenses:
- 28725 Karevan, Inc.
- 28725 S.S.A. International, Inc.
- 28747 Meetings; Sunshine Act
- Federal Trade Commission**  
**PROPOSED RULES**  
Consent orders:
- 28671 Bankers Life and Casualty Co., et al.
- Fish and Wildlife Service**  
**RULES**  
Public entry and use:
- 28668 Parker River National Wildlife Refuge, Mass., et al.
- Foreign-Trade Zones Board**  
**NOTICES**  
Applications, etc.:
- 28701 Duluth, Minn.

**Forest Service****NOTICES**

Environmental statements; availability, etc.:

- 28698 Umpqua National Forest, Diamond Lake Ranger District, tansy ragwort control, Oreg.
- 28699 Wallowa-Whitman National Forest, Pine Ranger District, tree release and site preparation project, Oreg.

**General Services Administration****RULES**

Property management; Federal:

- 28664 Property rehabilitation services and facilities; precious metal recovery

**Health, Education, and Welfare Department**

*See also* Alcohol, Drug Abuse, and Mental Health Administration; Education Office; Health Care Financing Administration.

**NOTICES**

Organization, functions, and authority delegations:

- 28728 HEW Management and Budget Office

**Health Care Financing Administration****PROPOSED RULES**

Aged and disabled health insurance for (Medicare):

- 28768 Reimbursement; definition of hospital special care units

**Hearings and Appeals Office, Energy Department****NOTICES**

Applications for exception:

- 28707 Objections filed

**Housing and Urban Development Department**

*See also* Federal Disaster Assistance Administration; Federal Housing Commissioner—Office of Assistant Secretary for Housing; Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary.

**RULES**

Contract appeals:

- 28762 National Housing Act contracts; bid protest procedures

**PROPOSED RULES**

Community development block grants:

- 28686 Urban development action grants; minimum standards of physical and economic distress; interim rule transmittal to Congress

Low income housing:

- 28686 Fair market rents; new construction and substantial rehabilitation (section 8); all market areas; transmittal to Congress

**Interior Department**

*See also* Fish and Wildlife Service; Land Management Bureau; National Park Service.

**NOTICES**

- 28735 Alaska, lands withdrawal; hearings
- 28734 Environmental statements; availability, etc.:
- 28734 Idaho agricultural development
- 28734 Little Lost-Birch Creek Planning Area, proposed range management program, Idaho

**Internal Revenue Service****RULES**

Procedure and administration:

- 28660 Domestic building and loan association; definition

**NOTICES**

Authority delegations:

- 28742 District Directors et al.; credits and refunds

**International Trade Commission****NOTICES**

Import investigations:

- 28735 Plastic-molding apparatus etc.

**Interstate Commerce Commission****RULES**

Railroad car service orders; various companies:

- 28667 Hillsdale County Railway Co., Inc.; correction

**NOTICES**

- 28746 Hearing assignments

**Labor Department**

*See* Wage and Hour Division.

**Land Management Bureau****RULES**

Public land orders:

- 28666 California

**NOTICES**

Applications, etc.:

- 28732 Colorado; correction

Meetings:

- 28732 Carson City District Grazing Advisory Board  
Wilderness areas; characteristics, inventories, etc.:
- 28732 California
- 28733 California; extension of time

**National Park Service****NOTICES**

Concession permits, etc.:

- 28733 Lake Mead National Recreation Area

**National Science Board****NOTICES**

- 28747 Meetings; Sunshine Act

**Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary****NOTICES**

Meetings:

- 28732 Mobile Home National Advisory Council; agenda

**Nuclear Regulatory Commission****NOTICES**

Applications, etc.:

- 28736 Carolina Power & Light Co.
- 28737 Commonwealth Edison Co.
- 28737 Wisconsin Public Service Corp. et al.

Meetings:

- 28736 Reactor Safeguards Advisory Committee
- 28747 Sunshine Act

- 28737 Nuclear power plants, Union of Concerned Scientists' petition for reanalysis of capacity to withstand earthquakes
- 28738 Regulatory guides; issuance and availability
- Postal Rate Commission**  
NOTICES  
Post office closing; petitions for appeal:
- 28738 McElhattan, Pa.
- 28739 Sugar Run, Pa.
- Postal Service**  
NOTICES
- 28747 Meetings; Sunshine Act
- Science and Technology Policy Office**  
NOTICES  
Meetings:
- 28738 Intergovernmental Science, Engineering, and Technology Advisory Panel
- Securities and Exchange Commission**  
PROPOSED RULES
- 28683 Annual reports on Form 10-K; internal accounting control; statement of management; correction
- NOTICES
- 28748 Meetings; Sunshine Act
- Small Business Administration**  
NOTICES  
Applications, etc.:
- 28741 Allied Bancshares Capital Corp.
- 28741 American Capital Investment Corp.
- 28741 Evergreen Capital Corp.
- Small Business Conference Commission**  
NOTICES
- 28742 White House Conference on Small Business; meeting; correction
- State Department**  
RULES  
Visas:
- 28659 Immigrants, documentation; personal appearance requirements for applicants in Taiwan
- Transportation Department**  
PROPOSED RULES
- 28696 Time zone boundaries, standard; Alaska
- Treasury Department**  
See Customs Service; Internal Revenue Service.
- Veterans Administration**  
NOTICES  
Environmental statements; availability, etc.:
- 28744 Albany, N.Y.; VAMC, emergency generator and electrical deficiencies
- 28743 Castle Point, N.Y.; VAMC, building addition and boiler plant replacement
- 28742 Dallas, Tex.; VAMC, addition/renovation and 120-bed nursing home care unit
- 28743 Leavenworth, Kans.; VAMC, 208-bed domiciliary
- 28742 Memphis, Tenn.; VAMC, ambulatory care addition and land purchase for parking
- 28745 Mountain Home, Tenn.; VAMC, medical school education building
- 28743 Mountain Home, Tenn.; VAMC, 208-bed domiciliary
- 28744 Palo Alto, Calif.; VAMC, center core building
- 28745 Palo Alto, Calif.; VAMC, surgical addition
- 28745 San Antonio, Tex.; VAMC, supply warehouse
- 28744 Temple, Tex.; VAMC, expansion of clinic and relocation of support facilities
- 28745 Tuskegee, Ala.; VAMC, replace/renovate building
- Wage and Hour Division**  
RULES
- 28663 Child Labor for agricultural employment

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**MEETINGS ANNOUNCED IN THIS ISSUE**


---

**DEFENSE DEPARTMENT**

Air Force—

- 28701 USAF Scientific Advisory Board, 6-7 and 6-8-79

**ENERGY DEPARTMENT**

- 28706, National Petroleum Council, Task Groups of the Committee on Materials and Manpower Requirements, June Meetings
- 28707
- 28706 National Petroleum Council, Task Group of the Committee on Unconventional Gas Sources, Tight Gas Reservoirs Task Group, 6-22-79

**ECONOMIC REGULATORY ADMINISTRATION**

- 28714 San Diego Gas & Electric Co. for permit to construct an electric intertie with Mexico, 5-24-79

**HEALTH, EDUCATION, AND WELFARE**

Alcohol, Drug Abuse, and Mental Health Administration—

- 28726 Advisory Committee, June Meetings  
Office of Education—
- 28728 Technical Assistance, Research & Evaluation Committee of the National Advisory Council on Indian Education, 6-1 and 6-2-79

**HOUSING AND URBAN DEVELOPMENT  
DEPARTMENT**

Assistant Secretary for NVACP—

- 28732 National Mobile Home Advisory Council, 5-22,  
5-23 and 5-24-79

**NATIONAL FOUNDATION ON THE ARTS AND  
THE HUMANITIES**

- 28736 Theatre Advisory Panel, 6-2-79

**NUCLEAR REGULATORY COMMISSION**

- 28736 Advisory Committee on Reactor Safeguards Ad  
Hoc Subcommittee on Implications of Three Mile  
Island, Unit 2 Accident, 5-31 and 6-1-79

**OFFICE OF SCIENCE AND TECHNOLOGY POLICY**

- 28738 Intergovernmental Science, Engineering, and  
Technology Advisory Panel; Natural Resource and  
Environment Task Force Hazardous Waste  
Workshop, 6-4 and 6-5-79

**SMALL BUSINESS CONFERENCE COMMISSION**

- 28742 White House Conference on Small Business,  
5-25-79

**RESCHEDULED MEETING****INTERIOR DEPARTMENT**

Bureau of Land Management—

- 28732 Carson City District Grazing Advisory Board,  
6-14-79

**HEARINGS****INTERIOR DEPARTMENT**

Office of the Secretary

- 28735 Lands withdrawals in Alaska, 6-7 and 6-8-79

**PRESIDENT'S COMMISSION ON COAL**

- 28740 Hearing, 5-29 and 5-30-79

**TRANSPORTATION DEPARTMENT**

Office of the Secretary—

- 28696 Standard Time Zone Boundary in the State of  
Alaska, 6-7-79

**CHANGED HEARING****ENERGY DEPARTMENT**

Federal Energy Regulatory Commission—

- 28685 Boiler Fuel for Large Boiler Facilities, 5-23-79

**CFR PARTS AFFECTED IN THIS ISSUE**

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

<b>7 CFR</b>		<b>49 CFR</b>	
1822.....	28655	1033.....	28667
<b>10 CFR</b>		<b>Proposed Rules:</b>	
211.....	28655	71.....	28696
<b>Proposed Rules:</b>		<b>50 CFR</b>	
600.....	28670	26.....	28668
<b>14 CFR</b>			
239.....	28656		
252.....	28657		
385.....	28657		
<b>Proposed Rules:</b>			
253.....	28670		
399.....	28670		
<b>16 CFR</b>			
<b>Proposed Rules:</b>			
13.....	28671		
<b>17 CFR</b>			
<b>Proposed Rules:</b>			
15.....	28678		
211.....	28683		
229.....	28683		
240.....	28683		
249.....	28683		
<b>18 CFR</b>			
<b>Proposed Rules:</b>			
32.....	28683		
35 (2 documents).....	28683		
281.....	28685		
<b>19 CFR</b>			
159.....	28658		
<b>22 CFR</b>			
42.....	28659		
<b>24 CFR</b>			
20.....	28762		
221.....	28659		
<b>Proposed Rules:</b>			
201.....	28685		
570.....	28686		
888.....	28686		
1917 (3 documents).....	28686, 28687		
<b>26 CFR</b>			
301.....	28660		
<b>29 CFR</b>			
575.....	28663		
<b>40 CFR</b>			
<b>Proposed Rules:</b>			
52 (2 documents).....	28688, 28692		
180 (2 documents).....	28693		
<b>41 CFR</b>			
101-42.....	28664		
<b>42 CFR</b>			
<b>Proposed Rules:</b>			
405.....	28768		
<b>43 CFR</b>			
<b>Public Land Orders:</b>			
5662.....	28666		
<b>45 CFR</b>			
<b>Proposed Rules:</b>			
161e.....	28758		
<b>46 CFR</b>			
<b>Proposed Rules:</b>			
502.....	28694		



# Rules and Regulations

Federal Register

Vol. 44, No. 96

Wednesday, May 16, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF AGRICULTURE

### Farmers Home Administration

#### 7 CFR Part 1822

#### Rural Housing Loans and Grants; Rural Rental Housing Loan Policies, Procedures, and Authorizations

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Farmers Home Administration (FmHA) amends its regulations pertaining to Rural Rental Housing (RRH) loans. The intended effect of this action is to provide the necessary flexibility to be able to authorize a loan to an applicant to purchase an RRH project in which the original applicant/borrower or the contractor has defaulted before the project is complete and in which an interim lender was issued a letter of commitment prior to July 26, 1978. This change is due to an administrative decision to resolve certain problems which are occurring within the program in projects involving interim lenders.

**EFFECTIVE DATE:** May 16, 1979. Comments (an original and one conformed copy) are invited and must be received on or before July 16, 1979.

**ADDRESSES:** Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lawrence D. Hammond, Acting Director, Rural Rental Housing Loan Division. Telephone 202-447-7207.

**SUPPLEMENTARY INFORMATION:** Subpart D of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations is amended to add a new § 1822.85 (p), and to revise § 1822.86 (b) (1).

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comments notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking because such publication would delay the construction of rural rental housing projects designed to serve low- and moderate-income families in rural areas. Therefore, expedient action is necessary and any delay in implementing this amendment would be contrary to the public interest. This determination was made by Mr. L. D. Elwell, Acting Assistant Administrator, Multiple Family Housing.

Accordingly, Subpart D of Part 1822 is amended by adding a new § 1822.85 (p) and by revising § 1822.86 (b) (1) to read as follows:

#### § 1822.85 Loan purposes.

\* \* \* \* \*

(p) Purchase an RRH project in which the original applicant/borrower or the contractor has defaulted before the project is completed and in which a letter of commitment dated prior to July 26, 1978, was issued to an interim lender.

#### § 1822.86 Limitations.

\* \* \* \* \*

(b) \* \* \*  
(1) The purchase of a partially completed project except as provided in § 1822.85 (p) of this Subpart. Neither will loans be made for the purchase of an existing housing project unless the provisions of paragraph V B or V O, as applicable, can be met.

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

This document has been reviewed in accordance with FmHA Instruction 1901-G "Environmental Impact

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

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

Dated: May 11, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79-15330 Filed 5-15-79; 8:45 am]

BILLING CODE 3410-07-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

#### 10 CFR Part 211

#### Shortening of Comment Period on Special Set-Aside Program for Middle Distillates

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Notice of date change.

**SUMMARY:** The Economic Regulatory Administration of the Department of Energy hereby gives notice that the closing date for further comments regarding the need for middle distillate set-aside procedures after June 30, 1979 will be May 25, 1979, rather than June 15, 1979 as previously announced.

**DATE:** Comments are due on or before May 25, 1979.

**ADDRESS:** Send comments to Department of Energy, Economic Regulatory Administration, Office of Public Hearing Management, Docket No. ERA-R-78-20, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

#### FOR FURTHER INFORMATION CONTACT:

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

Charles McCrea (Office of Fuels Regulations), Economic Regulatory Administration, Room 6222H, 2000 M Street, NW., Washington, D.C. 20461 (202) 254-8583.

William E. Caldwell (Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street, NW., Washington, D.C. 20461 (202) 254-7200.

Jack O. Kendall (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-6739.

**SUPPLEMENTARY INFORMATION:** On January 12, 1979, we adopted a final rule (44 FR 3467, January 17, 1979) which reinstated special middle distillate set-aside procedures for the period January 12, 1979 through March 31, 1979 by addition of Special Rule No. 6 to Subpart A of 10 CFR Part 211. In the January 12 Notice, we requested comments through June 15, 1979 as to whether there would be a continuing need for a middle distillate set-aside program. At that time we believed that decreasing demand for middle distillates due to the advent of warm weather would make set-aside procedures for middle distillates unnecessary after March 31, 1979. However, unusually cold weather and prolonged curtailment of Iranian crude oil exports resulted in continued shortages of middle distillate products. Accordingly, on March 21, 1979 we adopted, on an emergency basis, Special Rule No. 7 to Subpart A of Part 211 to extend special set-aside procedures through June 30, 1979 (44 FR 18640, March 29, 1979).

In view of current and projected middle distillate supply inadequacies, we believe there may be a continuing need for special set-aside procedures after June 30, 1979 to insure adequate supplies of middle distillate products to wholesale purchaser-consumers and end-users. If we determine that this is the case, any final rule extending or making permanent middle distillate set-aside procedures must be made effective July 1, 1979 to avoid an interruption in the set-aside program. Therefore, we have decided to shorten the comment period announced in the January 12 Notice to afford us adequate time to review all of the comments and, if necessary, to prepare a final rule and provide a thirty-day period between publication and the effective date of the final rule. The new closing date for comments requested in the January 12 Notice will be May 25, 1979, rather than June 15, 1979 as previously announced.

Issued in Washington, D.C., May 9, 1979.

Douglas G. Robinson,  
Acting Deputy Administrator, Economic Regulatory  
Administration.

[Docket No. ERA-R-78-20]  
[FR Doc. 79-15181 Filed 5-15-79; 8:45 am]

**BILLING CODE 6450-01-M**

## CIVIL AERONAUTICS BOARD

### 14 CFR Part 239

#### Reporting Data Pertaining to Freight Loss and Damage Claims by Certificated Route Air Carriers and Foreign Route Air Carriers; Revocation of Part 239

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. May 10, 1979.

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** This final rule eliminates a semi-annual report of freight loss and damage claims that has been required from certificated route and foreign route air carriers. The data submitted in this report are no longer needed by the Board and are not detailed enough to suit the purposes of users outside the Board.

**DATED:** Adopted: May 10, 1979. Effective: June 15, 1979.

**FOR FURTHER INFORMATION CONTACT:** Clifford M. Rand, Office of Economic Analysis, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-6044.

**SUPPLEMENTARY INFORMATION:** In EDR-369, (43 FR 58193, December 13, 1978) the Board proposed to eliminate the reporting of freight loss and damage claims data on CAB Form 239, Report of Freight Loss and Damage Claims. These data have been required to be filed semi-annually by certificated route and foreign route air carriers. The Board noted that the deregulation of domestic all-cargo operations by Pub. L. 95-163 had caused it to re-evaluate the need to monitor trends in the volume of freight loss and damage claims. The Board also stated that a survey of data users outside the Board had revealed that the Form 239 data are not being used because of a lack of detail in the information being reported.

#### Comments

Five comments were received in response to the rulemaking notice, four from carriers (Delta Air Lines, Inc. (Delta), Korean Air Lines (Korean), Pakistan International Airlines (Pakistan), and United Airlines, Inc. (United)) and one from the Shippers National Freight Claim Council, Inc.

(SNFCC). The four carriers favored the elimination of cargo claims reporting; the SNFCC favored retention of the report.

Of the carriers, Delta, Korean, and Pakistan view the elimination of claims reporting as relief from an unnecessary reporting burden. Moreover, neither Korean nor Pakistan see any useful public benefit being derived from the reporting of aggregate data on claims received and claims paid.

United questions the analytical usefulness of the data reported. For example, United states that an individual cannot determine from the data reported how well a carrier handles large and small value items. United further asserts that the gross claims figures now being reported are meaningless, without any further breakdown, to anyone interested in the types of claims reported.

Regarding United's comments on the usefulness of the data reported, it should be noted that the objective of cargo claims reporting was limited in scope, namely to enable the Board to monitor trends in the claims ratio (claims paid to total freight revenue) in order to detect any reversal or leveling off in an existing favorable trend in freight loss and damage claims.<sup>1</sup>

In support of retaining the report, the SNFCC asserts that cargo claims statistics are studied carefully by shippers, trade associations, security interests, law enforcement agencies, the Department of Transportation (DOT) and the airlines. However, none of these other organizations submitted comments to support the continued reporting of cargo claims statistics.

The SNFCC also stated that the claims ratio reported on Form 239 is an important statistic that represents an element of competition between carriers. The aggregate nature of the claims ratio, however, suggests that these data are of very little practical use for purposes of comparison shopping. Variations in the claims ratio across carriers are caused more by differences in the types of goods carried than by differences in carrier reliability. Perishable items, for example, generate more claims than nonperishable items, and not all carriers carry the same proportion of perishable goods. The data reported do not enable a shipper to measure and compare the freight loss and damage claims experienced by either size of shipment, type of commodity, or shipment value, and so really do not enable shippers to identify carrier reliability.

<sup>1</sup> See ER-996, (42 FR 21763, April 29, 1977).

Finally, the SNFCC expressed its concern that the elimination of Form 239 would deprive Congress and the public of a means for monitoring the effects of deregulation on airline liability rules and practices.

Current regulations require all carriers conducting domestic cargo transportation to disclose, when a shipment is accepted, the limits of its cargo liability insurance or the absence of such insurance. This was intended to notify shippers of the liability coverage available so that a shipper could determine its need for any additional insurance. We believe this provides shippers with adequate notice about the extent of a carrier's insurance protection.

The aggregate claims data now reported on Form 239 are used to monitor general trends in the number and amount of claims received and claims paid. They were not designed to analyze airline liability rules and practices, and we do not feel that these data would be useful for that purpose.

For these reasons, the Board has concluded that the reporting of freight loss and damage claims data on Form 239 has served its limited purpose and should not be continued. We also note an apparent lack of governmental and public interest in cargo claims data since the SNFCC filed the only comment in support of continued reporting. Moreover, the Board's Bureau of Consumer Protection does monitor and issue periodic reports on consumer complaints that deal with, among other things, cargo loss and damage.

#### Executive Order No. 11836

One other issue is the relation of this action to Executive Order No. 11836, *Increasing the Effectiveness of the Transportation Cargo Security Program*. Under that Executive Order, transportation regulatory agencies are urged, in exercising their regulatory responsibilities, to cooperate with the Department of Transportation (DOT) by, among other things, developing cargo theft reporting systems.

When the reporting of claims data was reduced in 1977 by ER-996, the Board invited DOT and the law enforcement agencies to submit requests for the collection of any additional detailed data that they needed. The data being collected on Form 239 have also been made available to DOT, and DOT staff have informally indicated that the data do not contain the details needed for the cargo security program. No request has been received from any agency asking the Board to increase the freight claims reporting.

The Board is not inclined to collect data solely for the use of other agencies. To the extent that the Board does collect data for other agencies, justification of the need for and use of the data should be supported by others to the same extent that the Board justifies its own need for and use of data. In the absence of such justification, the Board has no basis for imposing a reporting burden on the public.

We have therefore decided to eliminate the reporting of freight loss and damage claims data.

Accordingly, the Board amends Subchapter A of 14 CFR Chapter II as follows:

#### PART 239 [RESERVED]

Part 239, *Reporting Data Pertaining to Freight Loss and Damage Claims by Certificated Route Air Carriers and Foreign Route Air Carriers*, is revoked and reserved.

(Sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324(a) and 1377.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,  
Secretary.

[Regulation ER-1121; Amdt. 1; Docket 34191]  
[FR Doc. 79-15259 Filed 5-15-79; 8:45 am]

BILLING CODE 6320-01-M

#### 14 CFR Part 252

##### Provision of Designated "No-Smoking" Areas Aboard Aircraft Operated by Certificated Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on May 10, 1979.

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** The Board amends its rule on smoking aboard aircraft so that carriers must now file their manuals containing company rules for smoking aboard aircraft with the Bureau of Consumer Protection, whose activities are closely involved with the subject matter.

**DATES:** Adopted: May 10, 1979. Effective: May 10, 1979.

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

**SUPPLEMENTARY INFORMATION:** 14 CFR 252.4 now provides that each air carrier shall file the manual containing its rules for smoking by passengers aboard aircraft with the Bureau of Pricing and Domestic Aviation, with any revisions

and amendments to be filed within 15 days following adoption by the company. The Board has decided that the manuals should be filed with and maintained by the Bureau of Consumer Protection, whose activities are more closely involved with the subject matter.

Since this amendment affects only agency procedure, and imposes no additional burdens, the Board finds that notice and public procedure are unnecessary, and that the rule may become effective immediately.

#### PART 252—PROVISION OF DESIGNATED "NO-SMOKING" AREAS ABOARD AIRCRAFT OPERATED BY CERTIFICATED AIR CARRIERS

Accordingly, the Board amends 14 CFR Part 252, *Provision of Designated "No-smoking" Areas aboard Aircraft Operated by Certificated Air Carriers*, as follows:

Section 252.4 is amended by replacing "Bureau of Pricing and Domestic Aviation" with "Bureau of Consumer Protection", so that it reads:

##### § 252.4 Manual containing company rules for smoking by passengers aboard aircraft.

Each air carrier subject to this part shall maintain an employee manual containing company rules for smoking by passengers aboard aircraft. Two copies of such manual shall be filed with the Bureau of Consumer Protection, and revisions and amendments shall be filed within 15 days following adoption by the company.

(Sections 204(a), 404(a), and 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760, 766; 49 U.S.C. 1324, 1374, and 1377.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,  
Secretary.

[Regulation ER-1122; Amdt. 2]  
[FR Doc. 79-15260 Filed 5-15-79; 8:45 am]

BILLING CODE 6320-01-M

#### 14 CFR Part 385

##### Delegation and Review of Action Under Delegation; Nonhearing Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on May 10, 1979.

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** The CAB eliminates the delegation of authority to the Director of its Office of Economic Analysis to collect special reports from foreign air carriers. This action is being taken in response to a petition filed by ten foreign air carriers.

**DATES:** Adopted: May 10, 1979. Effective: May 10, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Richard B. Dyson, Associate General Counsel, Rules and Legislation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

**SUPPLEMENTARY INFORMATION:** In OR-139 (43 FR 58179, December 13, 1978), the Board expanded the authority delegated to the Director, Bureau of Accounts and Statistics in 14 CFR 385.17(g) to include the collection of special reports from foreign air carriers under certain circumstances. This delegation has since been transferred to the Director, Office of Economic Analysis by OR-147, 44 FR 11212, February 28, 1979. It now appears in § 385.27(d).

Under the initial delegation to the Director, Bureau of Accounts and Statistics the Board cited Section 407(a) of the Federal Aviation Act as its authority for the collection of special reports. Ten foreign air carriers<sup>1</sup> petitioned for an amendment of that delegation, pointing out that this section of the Act authorizes the Board to collect special reports from U.S. air carriers only.

While other provisions of the Act authorize the collection of information from foreign air carriers, we have decided that questions about the necessity and legality of such collections should, in the first instance, be decided by the full Board. We are therefore eliminating the delegated authority of the Director of the Office of Economic Analysis to collect special reports from foreign air carriers.

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

<sup>1</sup> Balair AG; Caraibische Lucht Transport Maatschappij, N.V.; Condor Flugdienst GmbH; Deutsche Lufthansa Aktiengesellschaft; Japan Airlines Company, Ltd.; Philippine Airlines; Singapore Airlines Limited; Swissair, Swiss Air Transport Company, Limited; Deutsches Reisebüro GmbH (Germany) d/b/a DER Travel Service; and Reisebüro Schwaben International GmbH (German) d/b/a Schwaben Charters, Inc.

Answers to the petition were filed by: Scandinavian Airlines System; China Airlines, Ltd.; Lan Chile Airlines; Air Canada; Cathay Pacific Airways Limited; Lloyd Aereo Boliviano Sa; Air Jamaica Limited; El Al Israel Airlines, Ltd.; Lot Polish Airlines; and Aerline Elrean Teoranta. All were in favor of the petition filed by the Joint Petitioners listed above.

**PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS**

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

In § 385.27, paragraph (d) is amended by deleting "or any foreign air carrier", so that it reads:

**§ 385.27 Delegation to the Director, Office of Economic Analysis.**

The Board delegates to the Director, Office of Economic Analysis, the authority to:

(d) Require special reports or documentation from any air carrier under circumstances where he finds that such reports or documentation are necessary to meet temporary information needs, assist in an evaluation of continued financial fitness, or comply with special information requests by Congress, the Board, or another agency or component of the Federal Government.

(Sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, 49 U.S.C. 1324(a) and 1377. Reorganization Plan No. 3 or 1961, 75 Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,  
Secretary.

[Regulation OR-153; Amdt. 86; Docket 34492]

[FR Doc. 79-15258 Filed 5-15-79; 8:45 am]

BILLING CODE 6320-01-M

**DEPARTMENT OF THE TREASURY**

**Customs Service**

**19 CFR Part 159**

**Countervailing Duties—Sugar Content of Certain Articles From Australia; Net Amount of Bounty Declared for the Period January 1978 Through December 1978**

**AGENCY:** United States Customs Service.

**ACTION:** Net Amounts of Countervailing Duty Determined.

**SUMMARY:** This notice is to inform the public of the amounts of countervailing duty which will be assessed on the sugar content of certain articles exported from Australia during the period January 1978 through December 1978. Section 159.47(f) of the Customs Regulations is being amended to include this notice.

**EFFECTIVE DATE:** May 16, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Stephen Nyschot, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. telephone (202) 566-5492.

**SUPPLEMENTARY INFORMATION:** The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed within the meaning of section 303, Tariff Act of 1930 as amended (19 U.S.C. 1303), on the exportation during the period January 1978 through December 1978 of approved fruit products and other approved products manufactured or produced in Australia are the amounts shown in the following table. The amounts shown are in Australian dollars, per 1,000 kilograms of sugar content.

Month	Approved fruit products	Other approved products
January 1978	None	None
February 1978	None	None
March 1978	None	None
April 1978	None	Aus. \$5.80
May 1978	None	Aus. \$4.10
June 1978	None	Aus. \$7.50
July 1978	Aus. \$32.70	Aus. \$47.70
August 1978	Aus. \$47.20	Aus. \$62.20
September 1978	Aus. \$25.70	Aus. \$40.70
October 1978	Aus. \$6.90	Aus. \$21.90
November 1978	None	Aus. \$7.80
December 1978	Aus. \$12.20	Aus. \$27.20

The net amounts of bounties or grants on the above-described merchandise are hereby ascertained, determined, or estimated to be the rates stated in the above table. Additional duties on the above-described merchandise, whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected pursuant to section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

**§ 159.47 [Amended]**

The table in § 159.47(f) of Customs Regulations (19 CFR 159.47(f)), under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 77-127, and (2) by adding a reference to this Treasury Decision. As amended, the last four lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action
		55716	Certain articles exempted as to shipments exported on or after July 19, 1962.
		77-257	New rate.
		78-115	New rate.
		79-	New rate.

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15), March 16, 1979, the provisions of Treasury Department Order 165, revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

(R.S. 251, as amended, secs. 303, 624, 46 Stat. 687, as amended, 759 (19 U.S.C. 66, 1303, 1624)).

Robert H. Mundheim,  
General Counsel of the Treasury.

May 10, 1979.

[T. D. 79-142]

[FR Doc. 79-15263 Filed 5-15-79; 8:45 am]

BILLING CODE 4810-22-M

## DEPARTMENT OF STATE

### Bureau of Consular Affairs

#### 22 CFR Part 42

#### Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended; Application for Immigrant Visas

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** The regulations of the Department are amended under the authority contained in the Taiwan Relations Act, Pub. L. 96-8 (93 Stat. 14) which became effective upon signature of the President on April 10, 1979. Section 42.114 is amended to provide that aliens in Taiwan applying for immigrant visas shall be required to appear personally before a designated officer of the American Institute in Taiwan in connection with the execution of his immigrant visa application.

**EFFECTIVE DATE:** April 23, 1979.

**FOR FURTHER INFORMATION:** Contact Cornelius D. Scully, III, Director Visa Services, Department of State, telephone (202) 632-1980.

**SUPPLEMENTAL INFORMATION:** In order to facilitate the application for immigrant visas by the people on Taiwan in keeping with the provisions of the Taiwan Relations Act, the Department's regulations requiring personal appearance before a consular officer in connection with execution of an immigrant visa application are amended to require aliens on Taiwan to appear personally before a designated officer of the American Institute in Taiwan for the purpose of executing immigrant visas applications.

The requirements of 5 U.S.C. 553 (80 Stat. 383) related to notice of proposed rulemaking and delayed effective date are not applicable in this instance because these procedures are impracticable and unnecessary for the purpose of implementing provisions of the Taiwan Relations Act.

Section 42.114 is amended to read as follows:

#### § 42.114. Personnel appearance.

Every applicant, including an alien whose application is executed by another person, shall be required to appear personally before a consular officer or, if applying in Taiwan, before a designated officer of the American Institute in Taiwan, in connection with the execution of his application, except that either of these officers may, in his discretion, waive personal appearance in the case of any child under the age of 14.

(This amendment is issued pursuant to the authority contained in Section 104 of the Immigration and Nationality Act (sec. 104, 66 Stat. 8 U.S.C. 1104).)

Dated: April 30, 1979.

Hume A. Horan,  
Acting Assistant Secretary for Consular Affairs.  
[Departmental Regulation 108.776]

[FR Doc. 79-15264 Filed 5-15-79; 8:45 am]

BILLING CODE 4710-06-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Assistant Secretary for Housing—Federal Housing Commissioner (Federal Housing Administration)

#### 24 CFR Part 221

#### Moderate Income Projects; Maximum Mortgage Amounts

**AGENCY:** U.S. Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner.

**ACTION:** Final rule.

**SUMMARY:** Section 221.514 of Subpart C is being amended to reflect the increased dollar limitations on units within projects insured under section 221(d)(3) and section 221(d)(4) of the National Housing Act as authorized by the Housing and Community Development Amendments of 1978.

**EFFECTIVE DATE:** June 8, 1979.

**ADDRESS:** Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

#### FOR FURTHER INFORMATION CONTACT:

John M. Longo, Office of Housing, Multifamily Housing Development, Development Division, Room 6116, HUD, 451 7th Street, S.W., Washington, D.C. 20410; (202) 755-8203 (This is not a toll free number).

**SUPPLEMENTARY INFORMATION:** Since these amendments to Part 221 are statutory in nature and because of the benefits that will inure to the public from an expeditious implementation of these amendments, the Secretary has determined that advance publication, notice and public procedure are impracticable and unnecessary and good cause exists for making these amendments effective upon publication.

A finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of HUD, 451 7th Street, S.W., Washington, D. C. 20410.

Accordingly, Part 221 of chapter II of title 24 is amended as follows:

#### PART 221—LOW COST AND MODERATE INCOME INSURANCE

##### Subpart C—Eligibility Requirements—Moderate Income Projects

Section 221.514 is amended as follows:

- a. By revising paragraph (a)(1)(i);
- b. By redesignating and revising paragraph (a)(1)(ii) as paragraph (a)(1)(iii) and adding a new paragraph (a)(1)(ii);
- c. By revising paragraph (b)(1); and
- d. By redesignating and revising paragraph (b)(2) as paragraph (b)(3) and adding a new paragraph (b)(2), all as set forth below:

##### § 221.514 Maximum mortgage amounts.

- (a) \* \* \*
- (1) \* \* \*
- (i) For projects, involving eligible nonprofit mortgagors, to be insured under section 221(d)(3) of the Act:
  - (a) \$21,563 without a bedroom.
  - (b) 24,662 with one bedroom.
  - (c) 29,984 with two bedrooms.
  - (d) 38,379 with three bedrooms.
  - (e) 42,756 with four or more bedrooms.
- (ii) For projects, involving eligible mortgagors other than nonprofit mortgagors, to be insured under section 221(d)(3) of the Act:
  - (a) \$19,406 without a bedroom.
  - (b) 22,195 with one bedroom.
  - (c) 26,985 with two bedrooms.

- (d) 34,541 with three bedrooms.  
 (e) 38,480 with four or more bedrooms.  
 (iii) For projects, to be insured under section 221(d)(4) of the Act:

- (a) 19,406 without a bedroom.  
 (b) 22,028 with one bedroom.  
 (c) 26,625 with two bedrooms.  
 (d) 33,420 with three bedrooms.  
 (e) 37,870 with four or more bedrooms.

(b) \* \* \*

(1) For projects, involving eligible nonprofit mortgagors, to be insured under section 221(d)(3) of the Act:

- (i) \$22,692 per family unit without a bedroom.  
 (ii) 26,012 per family unit with one bedroom.  
 (iii) 31,631 per family unit with two bedrooms.  
 (iv) 40,919 per family unit with three bedrooms.  
 (v) 44,917 per family unit with four or more bedrooms.

(2) For projects, involving eligible mortgagors other than nonprofit mortgagors, to be insured under section 221(d)(3) of the Act.

- (i) \$20,422 per family unit without a bedroom.  
 (ii) 23,410 per family unit with one bedroom.  
 (iii) 28,467 per family unit with two bedrooms.  
 (iv) 36,827 per family unit with three bedrooms.  
 (v) 40,425 per family unit with four or more bedrooms.  
 (3) For projects to be insured under section 221(d)(4) of the Act:  
 (i) \$20,962 per family unit without a bedroom.  
 (ii) 24,030 per family unit with one bedroom.  
 (iii) 29,220 per family unit with two bedrooms.  
 (iv) 37,800 per family unit with three bedrooms.  
 (v) 41,494 per family unit with four or more bedrooms.

Issued at Washington, D. C., on May 10, 1979.

Lawrence B. Simons,  
 Assistant Secretary for Housing—Federal Housing  
 Commissioner.

[Docket No. R-79-688]  
 [FR Doc. 79-15252 Filed 5-15-79; 8:45 am]

BILLING CODE 4210-01-M

**DEPARTMENT OF THE TREASURY**  
**Internal Revenue Service**

**26 CFR Parts 301 and 402**

**Definition of Domestic Building and Loan Association and deletion of temporary regulations on procedure and administration**

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Adoption of final regulations and deletion of temporary regulations.

**SUMMARY:** This document provides final regulations and deletes temporary regulations relating to the definition of domestic building and loan association. Changes to the applicable tax law were made by the Tax Reform Act of 1969. These final regulations provide necessary guidance to financial institutions wishing to qualify as a domestic building and loan association.

**DATE:** The regulations are effective for taxable years ending after July 11, 1969.

**FOR FURTHER INFORMATION CONTACT:** Mary E. Dean of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3289).

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 10, 1970, the Federal Register published proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 7701(a) of the Internal Revenue Code of 1954 (35 FR 17268). The amendments were proposed to conform the Regulations on Procedure and Administration to section 432(c) of the Tax Reform Act of 1969 (83 Stat. 622). Requests for a public hearing were made but later withdrawn. After consideration of all comments regarding the proposed amendments, the amendments in paragraphs two and three of the notice of proposed rulemaking are adopted without change by this Treasury decision.

In addition, on November 10, 1970, the Federal Register published Temporary Regulations on Procedure and Administration under the Tax Reform Act of 1969 (26 CFR Part 402) under section 7701(a) of the Internal Revenue Code of 1954 (35 FR 17265). The Temporary Regulations are substantively identical to the amendments to the Regulations on Procedure and Administration adopted by this Treasury decision. The Temporary Regulations are deleted by this Treasury decision.

**Explanation**

Section 7701(a)(19), as amended by the Tax Reform Act of 1969, defines domestic building and loan association. The definition is of significance with respect to tax treatment of organizations under Code sections 591, 593, 595, and 596.

The majority of the comments received with respect to the proposed rules were from mortgage companies. These comments made two principal points: (1) That the "sales activity test" for qualification as a domestic building and loan association applicable under earlier regulations should not be eliminated; and (2) that the "gross income test", requiring that more than 85 percent of a qualifying association's income consist of certain forms of income, should not be reduced to 75 percent. These two changes to the regulations that were applicable under previous law reflect the amendment by the 1969 Tax Reform Act to subparagraph (B) of the Code section 7701(a)(19). That amendment eliminated the requirement applicable to pre-1970 domestic building and loan associations that "substantially all" business consist of acquiring the savings of the public and investing in certain loans. Section 7701(a)(19)(B) as amended by the Tax Reform Act of 1969 requires that the business of post-1969 associations consist "principally" of such activities. In view of this change it appears appropriate to eliminate the "sales activity test" and to revise the "gross income test" for post-1969 domestic building and loan associations.

The regulations adopted by this Treasury decision impose no new reporting burdens or recordkeeping requirements. The principal effect of these final regulations is to conform the Regulations on Procedure and Administration under section 7701(a)(19) of the Code to changes made by the Tax Reform Act of 1969. The Treasury Department will review these regulations from time to time in light of comments received from offices within the Treasury Department and Internal Revenue Service or from the public.

**Drafting Information**

The principal author of these regulations is Mary E. Dean of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

### Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 301 is amended by adopting, without change, paragraphs 2 and 3 of the regulations proposed in the notice of proposed rulemaking published in the Federal Register for November 10, 1970 (35 FR 17268). In addition, 26 CFR Part 402 is hereby deleted.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,  
Commissioner of Internal Revenue.

Approved: May 7, 1979.

Donald C. Lubick,  
Assistant Secretary of the Treasury.

Par. 2. Section 301.7701-13 is amended by revising so much thereof as precedes paragraph (b) to read as follows:

#### § 301.7701-13 Pre-1970 domestic building and loan association.

(a) *In general.* For taxable years beginning after October 16, 1962, and before July 12, 1969, the term "domestic building and loan association" means a domestic building and loan association, a domestic savings and loan association, a Federal savings and loan association, and any other savings institution chartered and supervised as a savings and loan or similar association under Federal or State law which meets the supervisory test (described in paragraph (b) of this section), the business operations test (described in paragraph (c) of this section), and each of the various assets tests (described in paragraphs (d), (e), (f), and (h) of this section). For the definition of the term "domestic building and loan association", for taxable years beginning after July 11, 1969, see § 301.7701-13A.

Par. 3. The following provisions are added immediately after § 301.7701-13:

#### § 301.7701-13A Post-1969 domestic building and loan association.

(a) *In general.* For taxable years beginning after July 11, 1969, the term "domestic building and loan association" means a domestic building and loan association, a domestic savings and loan association, a Federal savings and loan association, and any other savings institution chartered and supervised as a savings and loan or similar association under Federal or State law which meets the supervisory test (described in paragraph (b) of this section), the business operations test (described in paragraph (c) of this section), and the assets test (described

in paragraph (d) of this section). For the definition of the term "domestic building and loan association" for taxable years beginning after October 16, 1962, and before July 12, 1969, see § 301.7701-13.

(b) *Supervisory test.* A domestic building and loan association must be either (1) an insured institution within the meaning of section 401(a) of the National Housing Act (12 U.S.C. 1724(a)) or (2) subject by law to supervision and examination by State or Federal authority having supervision over such associations. An "insured institution" is one the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

(c) *Business operations test—(1) In general.* An association must utilize its assets so that its business consists principally of acquiring the savings of the public and investing in loans. The requirement of this paragraph is referred to in this section as the business operations test. The business of acquiring the savings of the public and investing in loans includes ancillary or incidental activities which are directly and primarily related to such acquisition and investment, such as advertising for savings, appraising property on which loans are to be made by the association, and inspecting the progress of construction in connection with construction loans. Even though an association meets the supervisory test described in paragraph (b) of this section and the assets test described in paragraph (d) of this section, it will nevertheless not qualify as a domestic building and loan association if it does not meet the requirements of both subparagraphs (2) and (3) of this paragraph, relating, respectively, to acquiring the savings of the public and investing in loans.

(2) *Acquiring the savings of the public.* The requirement that an association's business (other than investing in loans) must consist principally of acquiring the savings of the public ordinarily will be considered to be met if savings are acquired in all material respects in conformity with the rules and regulations of the Federal Home Loan Bank Board or substantially equivalent rules of a State law or supervisory authority. Alternatively, such requirement will be considered to be met if more than 75 percent of the dollar amount of the total deposits, withdrawable shares, and other obligations of the association are held during the taxable year by the general public, as opposed to amounts deposited or held by family or related business groups or persons who are officers or directors of the association. However,

the preceding sentence shall not apply if the dollar amount of other obligations of the association outstanding during the taxable year exceeds 25 percent of the dollar amount of the total deposits, withdrawable shares, and other obligations of the association outstanding during such year. For purposes of this subparagraph, the term "other obligations" means notes, bonds, debentures, or other obligations, or other securities (except capital stock), issued by an association in conformity with the rules and regulations of the Federal Home Loan Bank Board or substantially equivalent rules of a State law or supervisory authority. The term "other obligations" does not include an advance made by a Federal Home Loan Bank under the authority of section 10 or 10b of the Federal Home Loan Bank Act (12 U.S.C. 1430, 1430b) as amended and supplemented. Both percentages specified in this subparagraph shall be computed either as of the close of the taxable year or, at the option of the taxpayer, on the basis of the average of the dollar amounts of the total deposits, withdrawable shares, and other obligations of the association held during the taxable year. Such averages shall be determined by computing each percentage specified either as of the close of each month, as of the close of each quarter, or semiannually during the taxable year and by using the yearly average of the monthly, quarterly, or semiannual percentages obtained. The method selected must be applied uniformly for the taxable year to both percentages, but the method may be changed from year to year.

(3) *Investing in loans—(i) In general.* The requirement that an association's business (other than acquiring the savings of the public) must consist principally of investing in loans will be considered to be met for a taxable year only if more than 75 percent of the gross income of the association consists of—

(a) Interest or dividends on assets defined in subparagraphs (1), (2), and (3) of paragraph (e) of this section,

(b) Interest on loans,

(c) Income attributable to the portion of property used in the association's business, as defined in paragraph (e)(11) of this section,

(d) So much of the amount of premiums, discounts, commissions, or fees (including late charges and penalties) on loans which have at some time been held by the association, or for which firm commitments have been issued, as is not in excess of 20 percent of the gross income of the association,

(e) Net gain from sales and exchanges of governmental obligations, as defined in paragraph (e)(2) of this section, or

(f) Income, gain or loss attributable to foreclosed property, as defined in paragraph (e)(9) of this section, but not including such income, gain or loss which, pursuant to section 595 and the regulations thereunder, is not included in gross income.

Examples of types of income which would cause an association to fail to meet the requirements of this subparagraph if, in the aggregate, they equal or exceed 25 percent of gross income, are: the excess of gains over losses from sales of real property (other than foreclosed property); rental income (other than on foreclosed property and the portion of property used in the association's business); premiums, commissions, and fees (other than commitment fees) on loans which have never been held by the association; and insurance brokerage fees.

(ii) *Computation of gross income.* For purposes of this subparagraph, gross income is computed without regard to—

(a) Gain or loss on the sale or exchange of the portion of property used in the association's business as defined in paragraph (e)(11) of this section.

(b) Gain or loss on the sale or exchange of the rented portion of property used as the principal or branch office of the association, as defined in paragraph (e)(11) of this section, and

(c) Gains or losses on sales of participations, and loans, other than governmental obligations defined in paragraph (e)(2) of this section.

For purposes of this subparagraph, gross income is also computed without regard to items of income which an association establishes arise out of transactions which are necessitated by exceptional circumstances and which are not undertaken as recurring business activities for profit. Thus, for example, an association would meet the investing in loans requirement if it can establish that it would otherwise fail to meet that requirement solely because of the receipt of a nonrecurring item of income due to exceptional circumstances. For this purpose, transactions necessitated by an excess of demand for loans over savings capital in the association's area are not to be deemed to be necessitated by exceptional circumstances. For purposes of (c) of this subdivision, the term "sales of participations" means sales by an association of interests in loans, which sales meet the requirements of the regulations of the Federal Home Loan Bank Board relating to sales of participations, or which meet

substantially equivalent requirements of State law or regulations relating to sales of participations.

(iii) *Reporting requirement.* In the case of income tax returns for taxable years beginning after July 11, 1969, there is required to be filed with the return a statement showing the amount of gross income for the taxable year in each of the categories described in subdivision (i) of this subparagraph.

(d) 60 percent of assets test. At least 60 percent of the amount of the total assets of a domestic building and loan association must consist of the assets defined in paragraph (e) of this section. The percentage specified in this paragraph is computed as of the close of the taxable year or, at the option of the taxpayer, may be computed on the basis of the average assets outstanding during the taxable year. Such average is determined by making the appropriate computation described in this section either as of the close of each month, as of the close of each quarter, or semiannually during the taxable year and by using the yearly average of the monthly, quarterly, or semiannual percentage obtained for each category of assets defined in paragraph (e) of this section. The method selected must be applied uniformly for the taxable year to all categories of assets, but the method may be changed from year to year. For purposes of this paragraph, it is immaterial whether the association originated the loans defined in subparagraphs (4) through (8) and (10) of paragraph (e) of this section or purchased or otherwise acquired them in whole or in part from another. See paragraph (f) of this section for definition of certain terms used in this paragraph and in paragraph (e) of this section, and for the determination of amount and character of loans.

(e) *Assets defined.* The assets defined in this paragraph are—

(1) *Cash.* The term "cash" means cash on hand, and time or demand deposits with, or withdrawable accounts in, other financial institutions.

(2) *Governmental obligations.* The term "governmental obligations" means—

(i) Obligations of the United States,

(ii) Obligations of a State or political subdivision of a State, and

(iii) Stock or obligations of a corporation which is an instrumentality of the United States, a State, or a political subdivision of a State, other than obligations the interest on which is excludable from gross income under section 103 and the regulations thereunder.

(3) *Deposit insurance company securities.* The term "deposit insurance company securities" means certificates of deposit in, or obligations of, a corporation organized under a State law which specifically authorizes such corporation to insure the deposits or share accounts of member associations.

(4) *Passbook loan.* The term "passbook loan" means a loan to the extent secured by a deposit, withdrawable share, or savings account in the association, or share of a member of the association, with respect to which a distribution is allowable as a deduction under section 591.

(5) *Residential real property loan.* [Reserved]

(6) *Church loan.* [Reserved]

(7) *Urban renewal loan.* [Reserved]

(8) *Institutional loan.* [Reserved]

(9) *Foreclosed property.* [Reserved]

(10) *Educational loan.* [Reserved]

(11) *Property used in the association's business—(i) In general.* The term "property used in the association's business" means land, buildings, furniture, fixtures, equipment, leasehold interests, leasehold improvements, and other assets used by the association in the conduct of its business of acquiring the savings of the public and investing in loans. Real property held for the purpose of being used primarily as the principal or branch office of the association constitutes property used in the association's business so long as it is reasonably anticipated that such property will be occupied for such use by the association, or that construction work preparatory to such occupancy will be commenced thereon, within 2 years after acquisition of the property. Stock of a wholly owned subsidiary corporation which has as its exclusive activity the ownership and management of property more than 50 percent of the fair rental value of which is used as the principal or branch office of the association constitutes property used in such business. Real property held by an association for investment or sale, even for the purpose of obtaining mortgage loans thereon, does not constitute property used in the association's business.

(ii) *Property rented to others.* Except as provided in the second sentence of subdivision (i) of this subparagraph, property or a portion thereof rented by the association to others does not constitute property used in the association's business. However, if the fair rental value of the rented portion of a single piece of real property (including appurtenant parcels) used as the principal or branch office of the association constitutes less than 50



percent of the fair rental value of such piece of property, or if such property has an adjusted basis of not more than \$150,000, the entire property shall be considered used in such business. If such rented portion constitutes 50 percent or more of the fair rental value of such piece of property, and such property has an adjusted basis of more than \$150,000, an allocation of its adjusted basis is required. The portion of the total adjusted basis of such piece of property which is deemed to be property used in the association's business shall be equal to an amount which bears the same ratio to such total adjusted basis as the amount of the fair rental value of the portion used as the principal or branch office of the association bears to the total fair rental value of such property. In the case of all property other than real property used or to be used as the principal or branch office of the association, if the fair rental value of the rented portion thereof constitutes less than 15 percent of the fair rental value of such property, the entire property shall be considered used in the association's business. If such rented portion constitutes 15 percent or more of the fair rental value of such property, an allocation of its adjusted basis (in the same manner as required for real property used as the principal or branch office) is required.

**Part 402—Temporary Regulations on Procedure and Administration Under the Tax Reform Act of 1969 [Deleted]**

(f) *Special rules.* [Reserved]

[T.D. 7622]

[FR Doc. 79-15274 Filed 5-15-79; 8:45 am]

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**DEPARTMENT OF LABOR**

**Wage and Hour Division**

**29 CFR Part 575**

**Waiver of Child Labor Provisions for Agricultural Employment of 10- and 11-Year-Old Minors in Hand Harvesting of Short Season Crops; Provisions Governing Application For and Granting of a Waiver; Restrictions on Use of Pesticides and Other Chemicals**

**AGENCY:** Wage and Hour Division, Labor.

**ACTION:** Final rules.

**SUMMARY:** Current regulations provide for the issuance of waivers permitting the employment of 10- and 11-year-old minors in the hand harvesting of short season crops upon the representation by the employer applying for a waiver, that, among other specified conditions, the minimum entry times for the use of

certain pesticides and other chemicals listed therein for use on certain crops have been followed. The Secretary of Labor has undertaken a continuing study of the effect of the level and type of pesticides and other chemicals used on the health and well-being of 10- and 11-year-old minors to whom a waiver would apply. This document reflects current findings in this study upon which it has been determined that the pesticide or chemical, Anilazine(Dyrene), used on strawberries or potatoes, may be added to the lists in § 575.5(d) (2) and (3) with minimum entry times of 10 days and 2 days, respectively, for 10- and 11-year-old hand harvesters. This document also adds the pesticide or chemical, Ziram, to the list in § 575.5(d)(5)(i) of those being reviewed, use of which would require supporting data to establish minimum entry times for 10- and 11-year-old hand harvesters.

**EFFECTIVE DATE:** May 16, 1979.

**FOR FURTHER INFORMATION CONTACT:** Lucille C. Pinkett, Chief, Branch of Child Labor, Room S3022, New Department of Labor Building, 200 Constitution Avenue N.W., Washington, D.C. 20210, 202-523-8412.

**SUPPLEMENTARY INFORMATION:** Section 13(c)(4) of the Fair Labor Standards Act, as amended, provides for the issuance of waivers permitting the employment of 10- and 11-year-old minors in the hand harvesting of short season crops upon the submission by the employer applying for a waiver that, among other required objective data, the "level and type of pesticides and other chemicals used would not have an adverse effect on the health or well-being of" minors employed under the waiver.

The Secretary has undertaken a continuing study of the use and effect of pesticides and other chemicals used on short season crops in order to establish minimum entry times for specified pesticides and chemicals for use on specified crops. On the basis of the scientific evidence disclosed, the Secretary of Labor has adopted minimum entry times for 10- and 11-year-old hand harvesters of strawberries and potatoes. This document reflects current findings in this study upon which it has been determined that the pesticide or chemical, Anilazine(Dyrene), used on strawberries or potatoes, may be added to the lists in § 575.5(d) (2) and (3) with minimum entry times of 10 days and 2 days, respectively, for 10- and 11-year-old hand harvesters.

This scientific evidence also disclosed that the pesticide or chemical, Ziram,

can be oxidized in the environment to Thiram, a compound that has been shown to have mutagenic and teratogenic effects as well as adverse effects on male and female reproductive systems. It should be noted that the pesticide or chemical, Thiram, is already included on the list of chemicals and pesticides in § 575.5(d)(5)(i) of those being reviewed, use of which requires supporting data to establish minimum entry times. In addition, current data suggest that Ziram itself may be a teratogen and weak mutagen and cause adverse effects on male and female reproductive systems. Thus, it is not possible at this time to establish a minimum entry time for this pesticide or chemical which would protect 10- and 11-year-old hand harvesters from adverse effects. Therefore, this document also adds the pesticide or chemical, Ziram, to the list in § 575.5(d)(5)(i) of those being reviewed, use of which would require supporting data to establish minimum entry times for 10- and 11-year-old hand harvesters.

As any change in section 575.5(d)(2) will affect the proposed use of pesticides and chemicals by an employer or group of employers applying for a waiver for the permissible employment of 10- and 11-year-old hand harvesters of strawberries, which harvest begins around June 1, it is necessary that interested persons be informed of this release of restriction before submitting an application with respect to the 1979 strawberry harvest. Therefore, I find that notice and public procedure on these regulations are impractical, and contrary to the public interest. For these same reasons these regulations shall be effective upon publication in the Federal Register.

These regulations have been developed under the direction and control of Donald Elisburg, Assistant Secretary for Employment Standards, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**§ 575.5 [Amended].**

Accordingly, § 575.5(d) is amended as follows:

Section 575.5(d)(2) is amended by adding at the end of the list in the column designated "Pesticide" the word "Anilazine(Dyrene)" and in the column designated "Minimum entry time for 10- and 11-year-olds(days)" the figure "10".

Section 575.5(d)(3) is amended by adding at the end of the list in the column designated "Pesticide" the word "Anilazine(Dyrene)" and in the column designated "Minimum entry time for 10- and 11-year-olds(days)" the figure "2".

Section 575.5(d)(5)(i) is amended by adding at the end of the list therein the word "Ziram."

Signed at Washington, D.C. this 14th day of May, 1979.

Donald Elisburg,

Assistant Secretary, Employment Standards.

[FR Doc. 79-15459 Filed 5-15-79; 9:47 am]

BILLING CODE 4510-27-M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 101-42

#### Precious Metal Recovery

**AGENCY:** General Services Administration.

**ACTION:** Final rule.

**SUMMARY:** This regulation amends the Federal Property Management Regulations by requiring more frequent surveying and reporting by agencies to GSA of their precious-metal-generating activities and by revising the current reporting format to require additional information. These measures are being taken as a result of a U.S. General Accounting Office report dated December 28, 1977, entitled "Additional Precious Metals Can Be Recovered," (LCD-77-228) which recommended that GSA take action to improve Federal agency silver recovery programs. The changes proposed herein will, by requiring more frequent and detailed surveying and reporting of data by agencies to GSA, improve the management of Federal agency silver recovery programs.

**EFFECTIVE DATE:** May 16, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. William S. Eckert, Director, Property Rehabilitation Division (703-557-1743).

**SUPPLEMENTARY INFORMATION:** The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

The table of contents for Part 101-42 is amended by revising four entries, deleting one entry, and reserving one entry as follows:

#### PART 101-42—PROPERTY REHABILITATION SERVICES AND FACILITIES

Sec.

101-42.301-1 Guidelines for conducting agency surveys and reporting to GSA.

101-42.301-2 [Deleted]

Sec.

101-42.303-1 Recovery of precious metals through the Defense Property Disposal Precious Metals Recovery Office (DPDM-R).

101-42.303-2 Utilization of DOD-recovered precious metals as Government furnished materials (GFM) in Federal procurements.

101-42.4801 Format for semiannual consolidated report to GSA on activities generating precious metals.

101-42.4802 [Reserved]

#### Subpart 101-42.3—Recovery of Precious Metals and Strategic and Critical Materials

1. Section 101-42.300 is revised to read as follows:

##### § 101-42.300 Scope of subpart.

This subpart prescribes the policy and procedures for recovery of precious metals and strategic and critical materials from articles of excess personal property.

2. Section 101-42.301 is revised to read as follows:

##### § 101-42.301 General.

GSA is responsible for the initiation of Government-wide precious metals and strategic and critical materials recovery programs, and for the issuance and administration of applicable contracts, except those issued and administered by the Department of Defense (DOD) for precious metal recovery and refinement operations. Situations will occur where, in terms of economy, efficiency, and environmental quality, it is in the best interest of the Government to recover precious metals and strategic and critical materials from articles of excess personal property instead of using other methods of disposal. GSA will determine when Government-wide recovery is appropriate on the basis of an evaluation of the supply-demand factor, the price of the commodity, the cost of recovering the precious metal or strategic and critical material, and applicable guidelines or regulations on pollution control. Precious metals that may be designated for recovery are gold, silver, and metals in the platinum group. Examples of silver-bearing scrap and waste include used photographic fixing (hypo) solution, photographic and X-ray film, silver alloys, and dental scrap. Strategic and critical materials, lists of which may be issued from time to time as provided in § 101-14.106, also may be designated for recovery.

3. Section 101-42.301-1 is revised to read as follows:

##### § 101-42.301-1 Guidelines for conducting agency surveys and reporting to GSA.

Each agency having activities that generate silver or other precious metals (including used hypo solution, scrap film, and other precious-metal-bearing scrap) shall survey each of those activities regarding precious metals recovery and potential recovery information and shall submit a consolidated semiannual report (based on fiscal year) on that information to the General Services Administration (DPR), Washington, DC 20406. The consolidated report shall be submitted within 45 calendar days after the end of each half fiscal year reporting period. Each agency shall designate an individual to be responsible for coordinating the surveys, implementing and improving recovery procedures, monitoring the recovery programs, and submitting the consolidated report to GSA. Section 101-42.4801 illustrates a suggested format for the report (interagency report control number 1529-GSA-SA). The report shall contain specific information regarding the types of silver or other precious-metal-bearing scrap processed or generated; the number of activities generating silver or other precious-metal-bearing scrap and quantity generated; the estimated amounts potentially recoverable and method of estimation; the number of activities recovering precious metals from such scrap and quantity generated; the amount of precious metals recovered in troy ounces; the type of recovery equipment and method of disposition of recovered silver; the method of disposal if precious metals are not recovered; the explanation for any lack or recovery; the agency estimate of dollar savings for the report period; and any actions planned to maximize recovery.

##### § 101-42.301-2 [Deleted]

4. Section 101-42.301-2 is deleted.

5. Section 101-42.302 is revised to read as follows:

##### § 101-42.302 Recovery of silver from used hypo solution and scrap film.

Heads of executive agencies shall be responsible for establishing, maintaining, and pursuing a program for silver recovery from used hypo solution and scrap film.

6. Section 101-42.302-1 is revised to read as follows:

##### § 101-42.302-1 Agency responsibility.

Each agency shall consider recovering silver regardless of the quantity of used hypo solution or scrap film generated. Installation of a silver recovery unit consistent with the quantity of used

hypo solution generated or storage of used hypo solution or scrap film until a processable quantity is obtained are two alternatives. If an activity generates small quantities of hypo solution and tests show that there is a minimal amount of silver per gallon of solution, arrangements should be made with another activity in the area, which is using a recovery unit, to receive and process its used hypo solution to the extent feasible. When consolidation with other activities is not practicable and information and assistance with regard to recovery techniques are required, the GSA regional office serving the area or the Defense Logistics Agency (DLA) (in accordance with § 101-42.303) should be contacted. If it is determined that the silver cannot be recovered economically by Government-owned equipment or by a commercial recovery contractor, the solution or scrap film should be disposed of in accordance with Part 101-45 and in an environmentally acceptable manner.

7. Section 101-42.302-2 is revised to read as follows:

**§ 101-42.302-2 General guidelines for the recovery of silver from used hypo solution.**

The basic factors that determine the potential quantity of recoverable silver are: (a) The amount of used hypo solution generated; (b) the amount and type of film processed; and (c) the physical layout of the photographic facility. Since these factors may vary for each activity, a single method of recovery cannot be prescribed. Used hypo solution should be processed to recover the maximum amount of silver from the solution, consistent with overall economic feasibility and environmental considerations. Recovery can be effected either by Government-owned equipment or through use of commercial recovery contracts. Metallic replacement or electrolytic methods may be used. Various types of recovery equipment are available which permit economic silver recovery from both large and small quantities of used hypo solution.

8. Section 101-42.302-3 is revised to read as follows:

**§ 101-42.302-3 General guidelines for the recovery of silver from scrap film.**

Scrap film, the silver content of which varies according to the type of film and degree of exposure, is a source for recovery. A common method of recovery is periodic disposal of accumulated film by sale in accordance with Part 101-45. Another method of recovering silver is through the destruction of scrap film by burning and reducing it to ash, which

can provide economy through savings in transportation costs as well as the conservation of the silver. This must be done by controlled burning without an open flue. Recovery onsite by this method should be accomplished only at those activities or installations where adequate facilities exist and the local code on burning permits it.

9. Section 101-42.302-4 is revised to read as follows:

**§ 101-42.302-4 Detailed guidelines for recovery of silver from used hypo solution and scrap film.**

Detailed guidelines and economic criteria for evaluating silver recovery potential and establishing recovery programs are contained in the GSA pamphlet "Guide for the Recovery of Silver from Used Fixing Solution and Scrap Film" (FPMR 101-42.3), copies of which may be obtained from GSA regional offices or from agency publications liaison officers.

10. Section 101-42.303 is revised to read as follows:

**§ 101-42.303 Recovery and utilization of precious metals through the Defense Precious Metals Recovery Program.**

Civilian agencies may utilize the Defense Precious Metals Recovery Program as prescribed in this § 101.42.303.

11. Section 101-42.303-1 is revised to read as follows:

**§ 101-42.303-1 Recovery of precious metals through the Defense Property Disposal Precious Metals Recovery Office (DPDM-R).**

Civilian agency activities which generate precious-metal-bearing scrap may utilize DPDM-R, which is a part of DLA. Accumulations of precious-metal-bearing scrap such as silver-cell batteries, missile and electronic parts, silver turnings, dental scrap, film scrap, and silver sludge recovered from used hypo solution, should be reported by letter to the Chief, Defense Property Disposal Precious Metals Recovery Office, Naval Weapons Station, Earle, Colts Neck, NJ 07722, with a request for shipping instructions. Shipping instructions will be furnished the activity by the DPDM-R within 30 calendar days following receipt of the request. Participating civilian agencies are entitled to requisition refined precious metals for use as Government-furnished material (GFM) to reduce new procurement costs in accordance with § 101-42.303-2. For additional information or recovery assistance, DLA may be contacted at the following address: DOD Precious Metals Recovery

Program Manager, Attn: DLA-SIP, Cameron Station, Alexandria, VA 22314.

12. Section 101-42.303-2 is revised to read as follows:

**§ 101-42.303-2 Utilization of DOD-recovered precious metals as Government-furnished materials (GFM) in Federal procurements.**

To determine the need for recovered precious metals as GFM to reduce new procurement costs, each agency shall review procurements for which precious metals will be required by a contractor. Each agency having requirements for refined precious metals as GFM should submit a request to the Commander, Defense Industrial Supply Center, Attn: DISC-ODBA/YC, 700 Robbins Avenue, Philadelphia, PA 19111. Each agency requesting precious metals under the DOD precious metals recovery program shall also contribute any generated accumulations of silver, gold, platinum, and the platinum group metals (i.e., palladium, iridium, rhodium, osmium, ruthenium) to DPDM-R in accordance with § 101-42.303-1. Normally, the amount of precious metals authorized for sale to individual civilian agencies will not be restricted, except in those instances when the precious metal involved is not available in sufficient quantities to satisfy all requirements. No minimum ordering quantity is prescribed. Requiring activities will contact DISC to assure asset availability prior to the requisitioning of any quantity of precious metal other than silver. Advance inquiry for silver should be made only when requirements exceed 5,000 troy ounces. There is a nominal charge for the refined precious metals to cover the administrative and processing costs; however, such costs are substantially lower than the current market price of precious metals.

**Subpart 101-42.48—Exhibits**

1. Section 101-42.4800 is revised to read as follows:

**§ 101-42.4800 Scope of subpart.**

This subpart exhibits information referenced in the text of this Part 101-42 that is not suitable for inclusion elsewhere in that part.

2. Section 101-42.4801 is revised to change the caption and to read as follows:

**§ 101-42.4801 Format for semiannual consolidated report to GSA on activities generating precious metals.**

Agency \_\_\_\_\_  
 Address \_\_\_\_\_  
 Period covered \_\_\_\_\_  
 Date \_\_\_\_\_  
 Report prepared by \_\_\_\_\_  
 Telephone \_\_\_\_\_

1. *Used hypo solution.*

- a. Type(s) of film processed: X-ray, motion picture, other (specify) \_\_\_\_\_.
- b. Number of activities generating used hypo solution \_\_\_\_\_, Gallons generated \_\_\_\_\_.
- c. Estimated amount of silver potentially recoverable (in troy ounces) \_\_\_\_\_.
- d. Method of estimation.
- e. Number of activities from b, above, which are recovering silver from used hypo solution \_\_\_\_\_, Gallons generated \_\_\_\_\_.
- f. Amount of silver recovered (in troy ounces) \_\_\_\_\_.
- g. Method of recovery (equipment used) and disposition of recovered silver.
- h. Method of disposal of used hypo solution for those activities not recovering silver.
- i. Explanation for any lack of recovery.
2. *Scrap film.*
- a. Type(s) of scrap film generated: X-ray, motion picture, other (specify) \_\_\_\_\_.
- b. Number of activities generating scrap film \_\_\_\_\_, Pounds generated \_\_\_\_\_.
- c. Estimated amount of silver potentially recoverable (in troy ounces) \_\_\_\_\_.
- d. Method of estimation.
- e. Number of activities from b, above, which are recovering silver from scrap film \_\_\_\_\_, Pounds generated \_\_\_\_\_.
- f. Amount of silver recovered (in troy ounces) \_\_\_\_\_.
- g. Method of recovery (equipment used) and disposition of recovered silver.
- h. Method of disposal of scrap film for those activities not recovering silver.
- i. Explanation for any lack of recovery.
3. *Other silver-bearing scrap.*
- a. Type(s) of other silver-bearing scrap (batteries, electronic parts, etc.) \_\_\_\_\_.
- b. Number of activities generating other silver-bearing scrap \_\_\_\_\_, Pounds generated \_\_\_\_\_.
- c. Estimated amount of silver potentially recoverable (in troy ounces) \_\_\_\_\_.
- d. Method of estimation.
- e. Number of activities from b, above, which are recovering silver from other silver-bearing scrap \_\_\_\_\_, Pounds generated \_\_\_\_\_.
- f. Amount of silver recovered (in troy ounces) \_\_\_\_\_.
- g. Method of recovery (equipment used) and disposition of recovered silver.

h. Method of disposal of other silver-bearing scrap for those activities not recovering silver.

i. Explanation for any lack of recovery.

4. *Other precious metal-bearing scrap (gold, platinum metals, etc.).* (Please provide the information requested in this section for each type of precious metal generated other than silver.)

- a. Type(s) of other precious-metal-bearing scrap.
- b. Number of activities generating other precious-metal-bearing scrap \_\_\_\_\_, Pounds generated \_\_\_\_\_.
- c. Estimated amount of the precious metal potentially recoverable (in troy ounces) \_\_\_\_\_.
- d. Method of estimation.
- e. Number of activities from b, above, which are recovering the precious metal from such scrap \_\_\_\_\_, Pounds generated \_\_\_\_\_.
- f. Amount of the precious metal recovered (in troy ounces) \_\_\_\_\_.
- g. Method of recovery (equipment used) and disposition of the recovered precious metal.
- h. Method of disposal of other precious-metal-bearing scrap for those activities not recovering such metal.
- i. Explanation for any lack of recovery.
5. *Estimated dollar savings for the period for each category reported and description of the formula used to compute the savings.*
6. *Actions planned by agency to maximize recovery.*

**Note.**—The format illustrated in this section shall be used as a guide for individual preparation pending GSA's development of a Standard form for this purpose. When the form becomes available, an announcement will be made.

## § 101-42.4802 [Reserved]

3. Section 101-42.4802 is reserved. (Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: May 4, 1979.

Clarence A. Lee, Jr.,  
Acting Administrator of General Services.

[FPMR Amdt. H-115]  
[FR Doc. 79-15286 Filed 5-15-79; 8:45 am]

BILLING CODE 6820-96-M

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## 43 CFR Public Land Order Part 5662

## Public Land Order; Emergency Withdrawal of Los Padres National Forest for Casitas Reservoir Watershed in California

AGENCY: Bureau of Land Management (Interior).

ACTION: Emergency withdrawal of lands in Ventura County, California.

**SUMMARY:** This public land order withdraws 69,305 acres of land in the Los Padres National Forest and reserves them for protection of the Casitas Reservoir Watershed in connection with the Ventura River Project of the Bureau of Reclamation.

**EFFECTIVE DATE:** (Date of Order)

**FOR FURTHER INFORMATION CONTACT:** Louis B. Bellesi, 202-343-8731.

By notice of May 4, 1979, the Secretary of the Interior was informed by the House Interior and Insular Affairs Committee that an emergency situation exists, that extraordinary measures are needed to preserve watershed values in California that would otherwise be lost, and was requested to immediately withdraw the lands described in Paragraph 1. Therefore, by virtue of the authority contained in section 204(e) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2753, 43 U.S.C., 1714(e) (hereinafter referred to as the Act), it is ordered as follows:

1. Subject to valid existing rights, and existing withdrawals and reservations, the following described lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, for protection of the Casitas Reservoir Watershed in the Los Padres National Forest:

## San Bernardino Meridian

- T. 5 N., R. 22 W.,  
Sec. 6, SW ¼;  
Sec. 7, All;  
Sec. 18, All.
- T. 4 N., R. 23 W.,  
Sec. 5, N ½ N ½;  
Sec. 6, Lots 1, 2, 3, 4, S ½ NE ¼, SE ¼ SW ¼, SE ¼;  
Sec. 7, Lots 1, 2, 3, 6, and those portions of the SW ¼ NE ¼ and the SE ¼ NW ¼ lying within the Los Padres National Forest.
- T. 5 N., R. 23 W.,  
Sec. 1, Lots 13 to 20, inclusive, S ½;  
Sec. 2, Lots 13, 14, 15, 16, S ½ N ½, S ½;  
Sec. 3, S ½ N ½, S ½;  
Sec. 4, S ½;  
Sec. 5, Lot 13, S ½ NW ¼, S ½;

Sec. 6, Lots 4, 5, 11, 12, 13, 14, 15, 16,  
S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 7, All;  
Sec. 8, All;  
Sec. 9, All;  
Sec. 10, All;  
Sec. 11, All;  
Sec. 12, All;  
Sec. 13, All;  
Sec. 14, All;  
Sec. 15, All;  
Sec. 16, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 17, All;  
Sec. 18, All;  
Sec. 19, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 20, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 22, All;  
Sec. 23, All;  
Sec. 24, All;  
Sec. 27, All;  
Sec. 28, N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 31, All;  
Sec. 32, All;  
Sec. 33, SW $\frac{1}{4}$ ;  
Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 6 N., R. 23 W.,  
Sec. 30, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 31, All;  
Sec. 32, NW $\frac{1}{4}$ , S $\frac{1}{2}$ .  
T. 4 N., R. 24 W.,  
Sec. 1, Lots 1, 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 2, All;  
Sec. 3, All;  
Sec. 4, All;  
Sec. 5, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 6, E $\frac{1}{2}$ ;  
Sec. 8, All;  
Sec. 9, All;  
Sec. 10, All;  
Sec. 11, All;  
Sec. 12, Lot 1, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ;  
Sec. 15, N $\frac{1}{2}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 16, All;  
Sec. 17, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 19, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 20, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 23, Lot 2;  
Sec. 27, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  and those  
portions of the NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  lying  
within the Los Padres National Forest;  
Sec. 28, N $\frac{1}{2}$ ;  
Sec. 29, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 5 N., R. 24 W.,  
Sec. 1, Lots 1 to 16 incl., S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 2, All;  
Sec. 3, Lots 1, 2, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 4, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 5, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;

Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 7, Lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 8, All;  
Sec. 9, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 10, All;  
Sec. 11, All;  
Sec. 12, All;  
Sec. 13, All;  
Sec. 14, All;  
Sec. 15, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 16, E $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 17, All;  
Sec. 18, Lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 19, Lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 20, All;  
Sec. 21, All;  
Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 23, N $\frac{1}{2}$ N $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 24, N $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 25, All;  
Sec. 26, All;  
Sec. 27, All;  
Sec. 28, All;  
Sec. 29, All;  
Sec. 30, Lots 1, 2, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 31, All;  
Sec. 32, All;  
Sec. 33, All;  
Sec. 34, All;  
Sec. 35, All;  
Sec. 36, All.  
T. 6 N., R. 24 W.,  
Sec. 20, Lots 1, 2, 3, 4, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 21, S $\frac{1}{2}$ ;  
Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 26, All;  
Sec. 27, All;  
Sec. 28, All;  
Sec. 29, Lots 1, 2, 3, 4, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 32, Lots 1, 2, 3, 4, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 33, All;  
Sec. 34, All;  
Sec. 35, All;  
Sec. 36, All.  
T. 5 N., R. 25 W.,  
Sec. 1, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 2, Lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 12, All;  
Sec. 13, All;  
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 6 N., R. 25 W.,  
Sec. 13, All;  
Sec. 24, All;  
Sec. 25, All;  
Sec. 35, E $\frac{1}{2}$ ;  
Sec. 36, All.

Also all of that unsurveyed area,  
containing approximately 4,500 acres, that  
exists as an hiatus between the northerly  
boundary line of Sections 2, 3, 4, 5, and 6, T. 5  
N., R. 24 W., and the southerly boundary line  
of T. 6 N., R. 24 W., and lying between the  
northerly prolongation of the easterly  
boundary line of said Section 2, T. 5 N., R. 24  
W., and the northerly prolongation of the  
westerly boundary line of said T. 5 N., R. 24  
W.

The above described area contains  
approximately 69,305 acres of public domain  
land in the Los Padres National Forest. The

lands are located in Ventura County,  
California.

2. The primary purpose of this  
withdrawal is to protect the Casitas  
Reservoir Watershed from mining claim  
location which could jeopardize the  
water supply for the cities of Ojai and  
Ventura.

3. This emergency withdrawal shall  
remain in effect for a period not to  
exceed three years unless extended  
under the provisions of subsection (c)(1)  
and (b)(1) of section 204 of the Act.

Cecil D. Andrus,  
Secretary of the Interior.

May 9, 1979.

[Public Land Order 5662]  
[FR Doc. 79-15295 Filed 5-15-79; 8:45 a.m.]

BILLING CODE 4310-84-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1033

#### Hillsdale County Railway Co., Inc., Authorized To Operate Tracks of Consolidated Rail Corp.

AGENCY: Interstate Commerce  
Commission.

ACTION: Corrected Service Order No.  
1378.

SUMMARY: In paragraph (a) of Service  
Order No. 1378 the word "sending" was  
corrected to read "serving."

DATES: Effective 4:00 p.m., May 7, 1979.  
Expires when modified or vacated by  
order of this Commission.

FOR FURTHER INFORMATION CONTACT: J.  
Kenneth Carter, Chief, Utilization and  
Distribution Branch, Interstate  
Commerce Commission, Washington,  
D.C. 20423, Telephone (202) 275-7840,  
Telex 89-2742.

SUPPLEMENTARY INFORMATION: The  
Corrected Order is printed in full below.

Decided May 4, 1979.

Consolidated Rail Corporation (CR) is  
unable to operate its engines over CR  
Bridge No. 373.5 near Quincy, Michigan,  
due to weight restrictions caused by  
flood damage. Shippers located east of  
this bridge are being deprived of  
railroad service because of the inability  
of CR to switch the industries. CR can  
shove the rail cars across the bridge and  
the Hillsdale County Railway Company,  
Inc. (HCRC) can switch the cars by  
operating over the tracks of CR near  
Quincy in order to restore essential  
railroad service to these industries.

It is the opinion of the Commission  
that an emergency exists requiring the

operation of HCRC trains over these tracks of CR in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered, That:*

**§ 1033.1378 Corrected Service Order No. 1378.**

(a) *Hillsdale County Railway Company Inc. authorized to operate over tracks of Consolidated Rail Corporation.* The Hillsdale County Railway Company Inc. (HCRC) is authorized to operate over tracks of Consolidated Rail Corporation (CR) between CR milepost 378.2 and CR Bridge No. 373.5 on CR Quincy Branch near Quincy, Michigan, for the purpose of serving industries located adjacent to these tracks.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the HCRC over tracks of CR is deemed to be due to carrier's disability, the rates applicable to traffic moved by HCRC over the tracks of CR shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 4:00 p.m., May 7, 1979.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1979, unless otherwise modified, changed or suspended by order of this Commission.

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

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. Homme, Jr.,  
Secretary.

[Corrected S.O. No. 1378]

[FR Doc. 79-15269 Filed 5-15-79; 8:45 am]

BILLING CODE 7035-01-M

\*Denotes change.

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 26

#### Amendment to the Opening of Certain National Wildlife Refuges to Public Access, Use, and Recreation: Massachusetts

**AGENCY:** United States Fish and Wildlife Service, Department of the Interior.

**ACTION:** Special regulation—amendment.

**SUMMARY:** 50 CFR Part 26.34 which appeared in *Federal Register* Document Vol. 43, No. 52 on March 16, 1978, pages 10924-26 is amended in part. To avoid confusion the entire regulation for only those refuges which are being amended are included in this document. The Director has determined that the opening to public access, use and recreation of certain national wildlife refuges in Massachusetts, is compatible with the objectives for which the areas were established and will provide additional recreational opportunity to the public through a non-consumptive use. This document establishes special regulations governing this use.

**DATES:** January 1, 1978 through December 31, 1980.

**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:** Public access, use and recreation is permitted on the national wildlife refuges indicated below in accordance with 50 CFR Part 26 and the following Special Regulations. Portions of refuges which are open to public access, use and recreation are designated by signs and/or shown on maps available from addresses indicated below. No vehicle travel is permitted except on designated roads and trails. Special regulations applying to individual refuges are listed on leaflets available at refuge headquarters 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.

Public entry shall be in accordance with all applicable Federal and State laws and regulations subject to the following special regulations:

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

Public access, use and recreation is permitted on the following refuges: Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950. Contact George Gavutis, Refuge Manager, at 617-465-5753. Special conditions: Entry into those portions of the refuge not posted as closed is permitted for certain uses. The entrance gate at the south end of Sunset Boulevard is the only legal point of access on the island portion of the refuge. Visitor hours are generally dawn to dusk, but, at times of high public use, the entrance gate may be closed and access denied by refuge officials to protect the wildlife habitat from overuse. Sight-seeing, nature study, photography, hiking, snowshoeing, and cross-country skiing are permitted. Vehicle parking is permitted only in designated lots. Parking may be restricted to certain purposes and conditions designated by special signs. Boating is permitted on navigable tidal waters which lie within the refuge. Public boat launching and landing is not permitted on the refuge except during the waterfowl hunting season (see Part 32.12—Hunting). The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk. A limit of 3 quarts each of plums and cranberries per person per year may be picked from the first Tuesday after Labor Day until

October 31. Cranberry rakes or scoops are not permitted. Access to clam flats for clamming is permitted across refuge marshes on designated trails. Permits are required and may be obtained at the refuge. Small cooking fires are permitted only on the ocean beach. No other fires are permitted at other locations on the refuge. Alcoholic beverages, camping, tents, camping trailers, floating devices (including surfboards), and nudity are not permitted on the refuge. Nudity is defined as failure by persons over 10 years of age to cover with fully opaque covering their own genitals, pubic areas, rectal area or female breasts below a point immediately above the top of the areola when in a public place. Pets and horses are not permitted on the refuge. Dogs may be used for hunting in accordance with refuge hunting regulations (see Part 32.12—Hunting). Pets are not allowed on the refuge at any other time or under any other condition except under Special Use Permit. Group activities may be confined to the northern one-quarter mile of ocean beach east of Lot 1. Advance reservations and permits are required, group size is limited to 60 persons, and there must be at least one adult supervisor for every 10 children. Identification must be displayed upon request of any authorized officer. Refusing to display identification or providing false information to any authorized officer of the United States or any local or State government is prohibited. The possession of any device (clubs, knives, metal knuckles, etc.) prohibited by State law and/or deemed a dangerous weapon by refuge officials is prohibited. Bicycles and registered motor vehicles are permitted only on the main refuge road and in numbered parking areas except when being used under the terms of a special permit for over-the-sand surf fishing vehicles (see Part 33—Sport Fishing). Snowmobiles, air-cushion, all-terrain, hang-gliders or other similar vehicles or devices deemed improper by refuge agents are not permitted on the refuge.

Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742. Contact David Beall, Refuge Manager, at 617-369-5518. Special conditions: Entry to the parking areas on foot, bicycle or by registered motor vehicle is permitted during daylight hours. Foot and bicycle travel is permitted on designated routes. Nature study, photography, hiking, ice skating, snowshoeing and cross-country skiing are permitted. Entry upon the refuge of any unconfined domestic animal, including, but not limited to dogs, cats, hogs, horses, sheep and cattle, is

prohibited. Pets are permitted if on a leash not over 10 feet in length, one end of which is handheld so as to restrict the movements of the animal.

Oxbow National Wildlife Refuge, Harvard, Massachusetts, under the administration of Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742. Contact David Beall, Refuge Manager, at 617-369-5518. Special conditions: Entry by foot, bicycle, or motor vehicle is permitted along the tank road for the purposes of nature study, photography, hiking, snowshoeing and cross-country skiing. Parking for vehicles is available at designated areas. Entry upon the refuge of any unconfined domestic animal, including, but not limited to dogs, cats, hogs, horses, sheep and cattle, is prohibited. Pets are permitted if on a leash not over 10 feet in length, one end of which is handheld so as to restrict the movements of the animal.

Monomoy National Wildlife Refuge, Chatham, Massachusetts, under the administration of Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742. Contact David Beall, Refuge Manager, at 617-369-5518. Special conditions: Foot entry to the Monomoy Wilderness Area is permitted for photography, nature study, and hiking during daylight hours and fishing 24 hours per day. Shellfishing is permitted in accordance with Town of Chatham regulations. Entry upon the refuge of any unconfined domestic animal, including, but not limited to dogs, cats, hogs, horses, sheep and cattle, is prohibited. Pets are permitted if on a leash not over 10 feet in length, one end of which is handheld so as to restrict the movements of the animal. Fires are permitted on the ocean beach. Boats may be beached on the refuge. Erection of tents and other structures is not permitted. Entry to the Morris Island portion of Monomoy Refuge is permitted during daylight hours by advance reservation for photography, nature study, and hiking. Only a limited number of motor vehicles can be accommodated on the refuge at the designated parking area adjacent to the refuge headquarters. Entrance permits for specific dates are issued by mail or by telephone during the period June 1 through September 10, of each year at the Monomoy National Wildlife Refuge office, Wiki Way, Morris Island, Chatham, Massachusetts 02633, telephone 617-945-0594; or during the period January 1 through May 31, and September 11 through December 31, of each year from the Refuge Manager, Great Meadows National Wildlife Refuge.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26. 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.

William C. Ashe,

Acting Regional Director, Fish and Wildlife Service.

May 7, 1979.

[FR Doc. 79-15192 Filed 5-15-79; 8:45 am]

BILLING CODE 4310-55-M

# Proposed Rules

Federal Register

Vol. 44, No. 96

Wednesday, May 16, 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 ENERGY

### [10 CFR Part 600]

#### Cooperative Agreements; Correction

**AGENCY:** Department of Energy.

**ACTION:** Corrections to notice of proposed rule.

**SUMMARY:** On April 5, 1979, the Department of Energy published in the Federal Register (44 CFR 20594, April 5, 1979) a Notice of Proposed Rule Making for the Department of Energy Assistance Regulations (DOE-AR), Subpart C, Cooperative Agreements. The following document makes editorial corrections to the document as it appeared in the April 5, 1979, publication.

**DATE:** Comments due date is extended to on or before June 15, 1979.

**ADDRESS:** Send comments to Mr. James P. Beiriger, Procurement and Contracts Management Directorate, Financial Assistance Policy Branch, PR-212, U.S. Department of Energy, MS-400 RB, Washington, D.C. 20585.

**FOR FURTHER INFORMATION CONTACT:** Mr. James P. Beiriger, Telephone (202)-376-1768.

**SUPPLEMENTARY INFORMATION:** The following corrections should be made in the Federal Register Document 79-10402 appearing on page 20594 in the Federal Register of Thursday, April 5, 1979.

1.—In the "Summary", line 12 is corrected to read "assistance instruments and Subpart B".

2.—(a) In "For Further Information Contact", line 2, delete comma after Contracts.

(b) In addresses for James P. Beiriger, the zip code is corrected to read 20585.

3.—In "Regulatory Requirements":

(a) First paragraph, line 10, delete the period after et.

(b) Second paragraph, lines 12/13, "DOE Order 2030" is corrected to read "DOE Order 2030.1".

4.—In "Effect on Existing Policies", first paragraph, line 7 is corrected to

read "provided in section 600.5. Section 600.5".

#### § 600.211 [Amended]

5.—In § 600.211(c)(6), line 3, delete the sign >.

#### § 600.214 [Amended]

6.—In § 600.214(b)(2), line 6 is corrected to read "projects in competing technologies in".

#### § 600.231 [Amended]

7.—In § 600.231.1(a), line 3, add a comma after "program office".

#### § 600.232 [Amended]

8.—In § 600.232(a), line 5, the words Program Opportunity Notices should be capitalized.

9.—In § 600.232, the entire paragraph appearing after (b)(6)(xiii) should be inserted after (b)(6)(vi)(N).

#### § 600.233 [Amended]

10.—In § 600.233(a)(1) and (4), reference to "small and minority business concerns" is corrected to read "small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals".

11.—In § 600.233(a)(7), insert "(iii) Information to be provided in the proposal;" and change existing "(iii)" to read "(iv)".

12.—In § 600.233(a)(8)(ii), last line, delete period after 2.

#### § 600.283 [Amended]

13.—In § 600.283(a)(2)(iii), line 1 is corrected to read "States how project and"

14.—In § 600.283(a)(3)(i), line 7, delete comma after "acceptable".

15.—In § 600.283(a)(3)(iv)(C), "41 CFR 9-15" is corrected to read "41 CFR 9-15.2".

#### § 600.290 [Amended]

16.—In § 600.290(b)(4), line 15 is corrected to read "agreements having as a purpose the".

17.—In § 600.290(c), line 4 is corrected to read "paragraph (b)(4) of this section in all".

18.—In § 600.290(e)(1), "Payment or Overtime Premiums" is corrected to read "Payment for Overtime Premiums"

19.—In Exhibit No. 2, B, line 7 is corrected to read "required in contracts and subcontracts".

20.—In Exhibit No. 2, B(2), third paragraph, line 3 is corrected to read "solicitation standards and criteria for"

21.—In Exhibit No. 2, Attachment D(a)(4), line 12 is corrected to read "potential subcontractors which are small".

For the Department of Energy.

Issued in Washington, D.C., May 10, 1979.

M. J. Tashjian,

Director, Procurement and Contracts Management Directorate.

[FR Doc. 79-15280 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

## CIVIL AERONAUTICS BOARD

### [14 CFR Parts 253, 399]

#### Commissions for Sale of Air Transportation; General Policy Statements

Dated: May 10, 1979.

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The CAB proposes to eliminate the requirements that air carriers file a schedule of their commissions for the sale of air transportation. This action is taken at the CAB's own initiative, because it finds the usefulness of the filings does not justify their cost.

**DATES:** Comments by: July 16, 1979.

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

**ADDRESSES:** Twenty copies of comments should be sent to Docket 35514, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

By ER-1109, 44 FR 11208, February 28, 1979, the Board reduced the number of copies of commission schedules that



must be filed by air carriers under Part 253 (14 CFR Part 253). Before deciding on this filing reduction, the Board also considered eliminating Part 253 entirely. Although it did not do so at that time, after further consideration the Board has tentatively decided that this filing requirement is no longer necessary.

Part 253 was originally adopted by the Board (ER-961, 41 FR 30107 July 22, 1976) to end the payment of commissions for international transportation that carriers alleged to be excessive. They were considered excessive because the payments were made on the basis of whatever the market would bear and had little relationship to the value or costs of the travel agent's services. It seemed that excessive commissions could be used to rebate part of the fare to certain passengers in violation of section 403(b) of the Federal Aviation Act. Also, the Board believed high commissions were injurious to the air transportation industry because they eroded carrier revenue, and to consumers because they might eventually cause increases in fares. The Board also stated that excessive commissions hurt most travel agents, although presumably not those receiving this windfall.

Part 253 is only a disclosure provision. It requires air carriers to file with the Board a schedule of the amount of compensation that they intend to pay to travel agents and other intermediaries for the sale of air transportation. Under 14 CFR 399.85 any deviation by the carrier from its commission schedule on file is considered an unfair and deceptive practice in violation of section 411 of the Act. The Board felt that disclosure would overcome the problems mentioned above as well as alleviating any anticompetitive effects on the travel industry caused by the payment of undisclosed commissions. There is nothing, however, in any Board rules that limits the amount of commissions that can be paid as long as they conform to the schedule on file with the Board.

#### Reasons for Elimination

Since the adoption of Part 253, the law and the Board's policy have changed, so that it now appears that Part 253 is based on outdated policies. There is a distinct possibility that requiring advance disclosure of commissions and adherence to the filed schedule tends to dampen competition in the setting of commission levels. The required adherence to the filed schedule precludes bargaining on the amount to be paid, and advance disclosure allows carriers to learn in advance what others

are paying. This could lead to price-leadership, which the Board's rules (§ 399.85) might operate to enforce. In such circumstances, the Board has tentatively decided that any possible benefits the reports might have are probably outweighed by the costs to the carriers of making them and the costs to the Board of enforcing them. Moreover, the information supplied by these schedules could be obtained by the Board's ad hoc collection of data under § 407 of the Act. This would eliminate the anticompetitive potential of regular Part 253 reports.

#### Proposed Rule

Accordingly, the Civil Aeronautics Board proposes to amend Chapter II of Title 14, CFR as follows:

#### PART 253 [Revoked and Reserved]

1. Part 253, *Commissions for Sale of Air Transportation*, would be revoked and reserved.

#### § 399.85 [Revoked and Reserved]

Section 399.85 of Part 399, *Statements of General Policy*, would be revoked and reserved.

(Sections 204, 403, 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 83 Stat. 103; 49 U.S.C. 1324, 1373, 1377.)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,  
Secretary.

[EDR-376/PSDR-80; Docket No. 35514]  
[FR Doc. 79-15261 Filed 5-15-79; 8:45 am]  
BILLING CODE 6320-01-M

## FEDERAL TRADE COMMISSION

### [16 CFR Part 13]

#### Bankers Life and Casualty Company, 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, would require Bankers Life and Casualty Company (Bankers Life), eleven corporate associates and an individual, all engaged in the advertising, promotion and sale of undeveloped land, to cease misrepresenting that undeveloped land purchase is a safe investment; involves little financial risk; and is a means of achieving financial security. The order would require that all advertising,

promotional materials and sales contracts include specified disclosures regarding risks involved in undeveloped land investment; the advisability of consulting with a real estate specialist prior to contracting; the availability and cost of utilities; and the identity of lots in flood plain areas. The companies would have to provide purchasers with cooling-off periods and information regarding their right to cancellation and refund. The firms would also be prohibited from mortgaging any subdivision in the future, without ensuring that paid-up purchasers of lots in that subdivision will receive their warranty deeds, and be permitted to retain their rights. Additionally, the order would require the firms to make prescribed restitution to eligible purchasers who defaulted on their payments; and provide all active and paid-in-full purchasers, who had contracted for land at particular subdivisions during a certain time period, with an opportunity to cancel their contracts and receive specified refunds. Bankers Life would be held responsible for assuring that proper restitution is made.

**DATE:** Comments must be received on or before July 16, 1979.

**ADDRESS:** Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

#### FOR FURTHER INFORMATION CONTACT:

Paul C. Daw, Director, 6R, Denver Regional Office, Federal Trade Commission, Suite 2900, 1405 Curtis St., Denver, Colo. 80202. (303) 837-2271.

**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 Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the Matter of Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, and Estates of the World, Inc., corporations; San Luis Valley Ranches, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Top of the World, Inc., Materic, Inc., and G-R-P

Corporation, corporations; Trustees of Colorado Properties, Inc. and Milco Associates, Inc. corporations; Richard Greenberg, an individual.

#### Agreement Containing Consent Order To Cease and Desist

The agreement herein, by and between Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, Estates of the World, Inc., Milco Associates, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Trustees of Colorado Properties, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., G-R-P Corporation and Materic, Inc., corporations, by their duly authorized officers and by their attorneys, and Richard Greenberg, an individual, and his attorney and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's rules governing consent order procedure:

1. Respondent Bankers Life and Casualty Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its principal place of business located at 4444 West Lawrence Avenue, Chicago, Illinois.

Respondent Southern Realty & Utilities Corp., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal place of business located at 1301 Copans Road, Pompano Beach, Florida.

Respondent Hartsel Ranch Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with its principal place of business located at 1301 Copans Road, Pompano Beach, Florida.

Respondent Estates of the World, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Hawaii, with its principal place of business located at 4810 North Kenneth Avenue, Chicago, Illinois.

Respondent San Luis Valley Ranches, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Colorado, with its principal place of business located at 201 Carson Avenue, Alamosa, Colorado.

Respondent Larwill Costilla Ranches, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Colorado, with its principal place of business located at 201 Carson Avenue, Alamosa, Colorado.

Respondent Rio Grande Ranches of Colorado, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Colorado, with its principal place of business located at 201 Carson Avenue, Alamosa, Colorado.

Respondent Top of the World, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Colorado, with its principal place of business located at 201 Carson Avenue, Alamosa, Colorado.

Respondent Materic, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its principal place of

business located at 2049 Century Park East, Los Angeles, California.

Respondent G-R-P Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Colorado, with its principal place of business located at 2049 Century Park East, Los Angeles, California.

Respondent Trustees of Colorado Properties, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with its principal place of business located at 2601 Biscayne Boulevard, Miami, Florida.

Respondent Milco Associates, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with its principal place of business located at 2601 Biscayne Boulevard, Miami, Florida.

Respondent Richard Greenberg is an individual whose address is 2049 Century Park East, Los Angeles, California.

2. Respondents have been served with a copy of the complaint issued by the Commission. Subsequently, the parties entered into negotiations and filed a joint motion to withdraw the matter from adjudication pursuant to Section 3.25 of the Commission's Rules.

3. Respondents admit all the jurisdictional facts set forth in the complaint.

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 official 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 pursuant to the Commission Rules for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if thereafter it deems the agreement inappropriate.

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 complaint.

7. This Agreement contemplates that, if accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 3.25 of the Commission Rules, the Commission may, without further notice to respondents:

(a) Issue its decision containing the

following Order to cease and desist in disposition of this proceeding; and

(b) Make information public with 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. 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 this Agreement may be used to vary or contradict the terms of the Order.

8. Respondents understand that once the Order has been issued, they will be required to file one or more compliance reports pursuant to the Commission Rules showing that they have fully complied with the Order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the Order after it becomes final.

9. It is agreed that the relief set forth in the Order contained herein fully satisfies any claim for consumer redress which the Commission has under Sections 5 and 19 of the Federal Trade Commission Act, as amended, arising out of the acts and practices alleged in the complaint which occurred prior to the effective date of the Order relating to the following developments: Hartsel Ranch, Estates of the World, Rio Grande Ranches, Larwill Costilla Ranches, Top of the World and San Luis Valley Ranches. By its final acceptance of this Agreement, with such modifications, if any, which the parties may make prior to said final acceptance, the Commission waives its right to commence a civil action under Section 19 of the Federal Trade Commission Act, as amended, with respect to the acts and practices alleged in the Commission's complaint which occurred prior to the effective date of the Order relating to said developments.

#### Order

For purposes of this Order, unless otherwise provided, the following definitions shall be applicable:

"Purchaser" shall mean a person to whom a respondent offers to sell or sells one or more lots in a subdivision; provided, however, that a "purchaser" shall not include a person who purchases land in a single transaction for a sum in excess of \$25,000.

"Land" or "subdivision" shall mean any real property which is divided or proposed to be divided into 50 or more units, whether contiguous or not, for the purpose of sale or lease to purchasers as part of a common promotional plan.

"Contract" shall mean a written agreement for the sale of land to purchasers.

"Business day" shall mean any calendar day except Saturday, Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

"Property Report" includes documents sometimes referred to as an Offering Statement or Prospectus.

"Respondent which sold the lot" shall mean the title owner or his sales agent.

"Inconsistent" shall mean mutually repugnant or contradictory one to the other.

For purposes of this Order, a requirement to cease and desist from representing or misrepresenting shall include representing or misrepresenting directly or indirectly. For purposes of this Order, all required disclosures shall be made in a clear and conspicuous manner.

## I.

It is ordered that respondents Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, Estates of the World, Inc., Milco Associates, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Trustees of Colorado Properties, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., G-R-P Corporation and Materic, Inc., corporations, and their officers, successors, assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other entity, in connection with the advertising, offering for sale or sale of land in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

## A. Representing:

1. That land or lots are a good or safe investment, or that the purchase of a lot is a good or safe investment.
  2. That there is little or no financial risk involved in the purchase of lots.
  3. That the resale of a purchased lot is not difficult.
  4. That the value of, or demand for, any land, including lots being offered for sale or previously sold, has increased, or will increase, or that purchasers have made, or will in the future make, a profit by reason of having purchased such land.
  5. That the prices of lots periodically rise or that prices of said lots are increasing, have increased or will increase, without disclosing at the same time, and by the same medium by which the price increases are communicated, that the price increases of lots do not in any way relate to the value of said lots.
  6. That the purchase of a lot is a way to achieve financial security or prosperity, to deal with inflation or to become wealthy.
  7. That the land in any subdivision will soon be unavailable or that prospective purchasers must purchase a lot in a subdivision immediately to ensure that such lot will be available.
  8. That subdivision land and the area surrounding it are comparable, similar or analogous either to urban, metropolitan and industrial areas or to mountain resort areas or to recreation areas.
  9. That the growth in land values or potential growth in land values at a subdivision corresponds to or will correspond to the growth in land values at any other locality. The word "locality" includes, but is not limited to, cities, towns, counties, townships, boroughs, states and regions. Provided, however, it shall be a defense that at the time a representation was made, it was true and the maker of the representation possessed data substantiating the representation. Such substantiating data shall be maintained for at least three years from the making of the representation it substantiates and shall be made available to the Commission upon request.
- B. Including in any contract for the sale of subdivision land, or in the documents shown or provided to purchasers or prospective purchasers of subdivision land:
1. Language to the effect that no express or implied representations have been made in

connection with the sale or offering for sale of such land, other than those set forth in the contract.

2. Language to the effect that upon a failure of the purchaser to pay any installment due under the contract or otherwise to perform any obligation under the contract, the respondent which sold the lot shall be entitled to retain sums previously paid thereunder by the purchaser, except as provided in Section V of this Order.

3. Any waiver, limitation or condition on the right of a purchaser to cancel a transaction or receive a refund under any provision of this Order, except as such waiver, limitation or condition is expressly allowed by this Order.

C. Misrepresenting the right of a purchaser under any provision of this Order or any applicable statute or regulation to cancel a transaction or receive a refund.

D. Making misrepresentation concerning the rights or obligations of a respondent or purchaser which differs in any respect from the rights or obligations of the parties as stated in the contract or Property Report.

E. Making any statement or representation concerning the proximity to any subdivision of any existing or future city, place, facility, body of water or road without disclosing, in immediate conjunction therewith and with the same conspicuousness as such statement of representation, the approximate distance to the nearest two (2) miles in road miles from the center of the subdivision to the downtown or geographical center of the city, place or facility referred to, or in the case of a body of water or a road, to the nearest point at which such body of water or road is accessible to entry and use by purchasers.

F. Making any statement or representation concerning any credit, refund or other monetary benefit or remuneration to purchasers or prospective purchasers from the respondent which sold the lot unless such is a fact and unless any conditions or limitations attached to such credit, refund, benefit or remuneration are disclosed.

## II.

It is further ordered that each of the respondents Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, Estates of the World, Inc., Milco Associates, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Trustees of Colorado Properties, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., G-R-P Corporation and Materic, Inc. corporations, and their officers, successors, assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other entity, in connection with the advertising, offering for sale or sale of land in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith:

A. Set forth in all sales and promotional material and advertising relating to the sale of land, except billboards, the following statement: Risk Factor: Since land values are uncertain, you should consult a qualified professional before purchasing.

B. Set forth as the title on the first page of any contract for the sale of land in 12-point

boldface type "CONTRACT FOR THE PURCHASE OF LAND."

C. Set forth on the first page of all contracts for the sale of land in 10-point boldface type the following statement: This is a contract by which you agree to purchase land. The future value of this land, as well as all undeveloped real estate, is uncertain. You should not assume that the value of land will increase. Do not assume that you will be able to resell your land without significant community development and population growth.

D. Set forth on the first page of all contracts for the sale of lots such of the following statements as are applicable:

1. For contracts for the sale of lots where the respondent which sold the lot is not obligated to provide electricity, water, and sewage disposal by central systems, but where all such utilities are available by other means, the following statement: This undeveloped land has been planned for use as a vacation homesite. Electricity, water, and sewage disposal are available at the purchaser's expense. Electricity is obtainable by generator, water by well, and sewage disposal by septic tank. Access will be by unpaved roads.

Provided that, if a central system is provided instead of a generator or well or septic tank, then the above statement may be modified only to the extent necessary to so indicate. Provided further that, if paved roads are provided, then the above statement may be modified only to the extent necessary to so indicate.

Provided further that, if roads are county accepted, then the above statement may be modified only to the extent necessary to so indicate.

2. For contracts for the sale of lots where the respondent which sold the lot is not obligated to provide any utilities and where utilities are not known to be available, the following statement in lieu of the above statement: This completely undeveloped land is being sold "as is." No improvements are planned for this subdivision other than county approved and maintained roads. No representation is made as to the availability of water or sewer.

Provided that, if the roads are not county-approved and maintained, this statement shall be modified to disclose the status of the roads if any.

E. Set forth the following statement in any contract for land requiring a Property Report; immediately below the statement required by paragraph D. above.

**Note to Buyer:** See page [insert page number] of the Property Report for statements relating to the additional expense for improvements.

F. Set forth in any contract for the sale of land which does not require a Property Report, immediately below the statements required by paragraph D. above, a statement providing the cost of improvements.

G. Whenever prospective buyers are provided with a contract for the sale of land by any means other than by mailing said contract directly to such purchasers:

1. Furnish each purchaser, at the time the purchaser signs a contract for the sale of land, with two copies of a form, captioned in

boldface type "NOTICE OF CANCELLATION," which shall contain in boldface type the following information and statements:

Notice of Cancellation

Date of Transaction

Contract Number

You may cancel this transaction, without any penalty or obligation, at any time prior to midnight of the tenth business day after the date shown on the contract. If you cancel, any payments made by you under the contract and any negotiable instrument issued by you will be returned within twenty business days following receipt by the seller of your cancellation notice.

To cancel this transaction, mail or deliver a signed copy of this cancellation notice or any other written notice, or send a telegram to [name of respondent which sold the lot], at [address of said respondent's place of business] not later than midnight of [date].

I (we) hereby cancel this transaction (each purchaser must sign this notice.)

Signature of Purchaser      Date

Signature of Purchaser      Date

2. Before furnishing copies of the above "Notice of Cancellation" to the purchaser, complete both of the copies by entering the name of the respondent which sold the lot, the address of said respondent's place of business, the date of the transaction, the contract number and the date by which the purchaser may give notice of cancellation, but in no event may such date be earlier than the tenth business day following the date of the transaction.

3. Where a timely notice of cancellation is received and said notice is not properly signed and the respondent which sold the lot does not intend to honor the notice, immediately notify the purchaser by certified mail, return receipt requested, enclosing the notice, informing the purchaser of his error and stating clearly and conspicuously that a notice signed by the purchaser must be mailed by midnight of the seventh business day following the purchaser's receipt of the mailing if the purchaser is to obtain a refund.

4. Where the signature of a prospective purchaser is solicited during the course of a sales presentation, inform each person orally, at the time he signs the contract, of his right to cancel as stated in paragraph II.G.5. of this Order.

5. Include clearly and conspicuously in each contract for the sale of land the following statement in boldface type: Purchaser has the right to cancel the contract, without any penalty or obligation, at any time prior to obligation, at any time prior to midnight of the tenth business day after the date of this contract. See the attached "Notice of Cancellation" for an explanation of this right.

6. Within twenty business days after the receipt of a timely notice of cancellation

signed by a purchaser, refund all payments made under the contract, and cancel and return any monies paid by the purchaser in connection with the contract.

H. Furnish any report required to be furnished to a purchaser at or before the signing of a contract by Federal or State law or by this Order (i) with the first written materials furnished to a prospective purchaser in connection with the sale of a lot or (ii) during the first contract which the prospective purchaser has with any agent or employee of the respondent which is offering the lot for sale, in connection with the sale of a lot.

I. Inform all prospective purchasers that a bank or other lender located near the subdivision should be consulted prior to the purchase of land if the purchaser intends to finance the building of a house on that land.

J. If a refund is offered contingent upon the purchaser taking a company-guided inspection tour or making a registered inspection of the property in which the purchaser's lot is located:

1. Provide the purchaser three business days after taking said tour or making said inspection within which to request a refund.

2. Include in any contract with the original purchaser, in immediate proximity to the provision setting forth the availability of a refund upon the completion of a company-guided tour or registered inspection of the property, the following statements: If you take a company-guided tour of the property within [designate time period] months of your purchase and you have not been declared in default, you will have three days after the tour to cancel your purchase and get your money back. You, the purchaser, pay your own expenses for travel to the property in order to take the tour.

3. Furnish each purchaser at the completion of the tour or inspection a completed form in duplicate, captioned "Notice of cancellation," which shall contain in boldface type the following statements:

Notice of Cancellation

Date of Company-Guided Inspection Tour or Registered Inspection of Property

Contract Number

You may cancel your contract, without any penalty or obligation, at any time prior to midnight of the third business day after the above date. If you cancel, any payments made by you under the contract and any negotiable instrument executed by you will be returned within twenty business days following receipt by the seller of your cancellation notice. To cancel your contract, mail or deliver a signed copy of this cancellation notice or any other written notice, or send a telegram to [name of respondent which sold the lot], at [address of said respondent's place of business] not later than midnight of [date]. I (we) hereby cancel the contract. (Each purchaser must sign this notice.)

Signature of Purchaser      Date

Signature of Purchaser      Date

4. Before furnishing copies of the above "Notice of Cancellation" to purchaser, complete both copies by entering the name of the respondent which sold the lot and the address of said respondent's place of business, the date of the company-guided inspection tour or the registered inspection of the property, the contract number and the date by which the purchaser may give notice of cancellation, but in no event may such date be earlier than the third business day following the date of said tour or inspection.

5. Where a timely notice of cancellation is received but said notice is not properly signed and the respondent which sold the lot does not intend to honor the notice, immediately notify the purchaser by certified mail, return receipt requested, enclosing the notice, informing the purchaser of his error and stating clearly and conspicuously that a notice signed by the purchaser must be mailed by midnight of the seventh day following the purchaser's receipt of the mailing if the purchaser is to obtain a refund.

K. Disclose in each instance where all or part of any printed article, publication, endorsement or testimonial is used, published or referred to, the date when such article, publication, endorsement or testimonial was originally published or made and the source of such article, publication, endorsement or testimonial.

L. Notify prospective purchasers of any lot offered for sale in a flood plain area that said lot is in a flood plain area.

III.

It is further ordered that each of the respondents Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, Estates of the World, Inc., Milco Associates, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Trustees of Colorado Properties, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., G-R-P Corporation and Materic, Inc., corporations, and their officers, successors, assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other entity, in connection with the advertising, offering for sale or sale of land in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing that any land may be used now or in the future:

A. As a homesite, unless the contracts or Property Reports accurately set forth:

1. That water is available to the purchaser by drilling a well or by central water system.

2. That sewage disposal is available to purchasers by installation of a septic tank or by hook-up to a central sewage system.

3. That electricity will be available to the purchaser from a utility company.

B. As a vacation homesite, unless the contracts or Property Reports set forth:

1. That water is available to the purchaser by drilling a well.

2. That percolation on the property purchased is sufficient to support a septic tank.

3. That electricity is available to the purchaser by installing a generator.

#### IV.

It is further ordered that, where applicable, each of the respondents, Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, Estates of the World, Inc., Milco Associates, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Trustees of Colorado Properties, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., G-R-P Corporation and Materic, Inc., corporations, and their officers, successors, assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other entity, which has or obtains, prior to the payment by the purchaser of the total purchase price, either a security interest or title in the land:

A. Shall execute and record a covenant providing that, if the purchaser pays the total purchase price pursuant to the terms of a contract for the purchase of land, then a general warranty deed free of liens will be delivered conveying title in accordance with said contract.

1. With respect to land in which it has a security interest or title as of the effective date of this Order, within 90 days of the effective date of this Order.

2. With respect to land in which it obtains a security interest or title after the effective date of this Order, at the same time such security interest or title is recorded.

B. Shall not grant a lien or security interest on land to any third party unless it is provided in the instrument granting said lien or security that, if the purchaser pays the total purchase price pursuant to the terms of the contract for the purchase of land, then a general warranty deed free of liens will be delivered conveying title.

#### V.

For purposes of Section V of this Order, the following shall be applicable:

The subdivision land to be covered is presently known as Hartsel Ranch, Estates of the World, Rio Grande Ranches, Larwill Costilla Ranches, Top of the World, and San Luis Valley Ranches.

It is further ordered that:

A. Each of the respondents Hartsel Ranch Corporation, Estates of the World, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., with respect to the refund of monies to each purchaser who entered into a contract for the purchase of land in its own subdivision between January 1, 1971 and January 1, 1974, who was an active or deeded account and had not been notified of a default on his present contract as of the date the agreement containing this Order was accepted by the Commission, shall:

1. Within ninety (90) days of the effective date of this Order cause a letter to be sent by first class mail to all such purchasers, said

letter to be in the form as set forth in Exhibit A attached hereto.

2. In the event that the letter referred to in subparagraph 1 above is returned undelivered, promptly review its files and make other reasonable efforts such as contacting credit bureaus, telephone and utility companies, in order to obtain the present address of each such purchaser whose letter was not delivered, and to those purchasers for whom a present address is obtained by these means or otherwise, send the letter required by subparagraph 1 above within sixty days of obtaining the purchaser's present address; provided, however, that all obligations to send the letter required by subparagraph 1 above shall terminate twenty-four months after the effective date of this Order.

3. Cause refunds to be made in accordance with the terms of the letter sent pursuant to subparagraphs 1 and 2 above. Provided, however, that refunds under this subparagraph may be conditioned upon purchaser's execution of a quit-claim deed, release or other document necessary to free any and all liens or encumbrances to effect a full release of any interest or right whatsoever flowing from the terms of the contract.

4. Maintain, for three years after the effective date of this Order or three years after the last refund payment is made, whichever occurs last, records which are adequate to disclose said respondent's compliance with subparagraph 3 above, such records to be furnished by said respondent to the Federal Trade Commission upon request.

B. Each of the respondents Hartsel Ranch Corporation, Estates of the World, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Top of the World, Inc., and San Luis Valley Ranches, Inc., with respect to the refund of monies to defaulted purchasers who entered into contracts for the purchase of land in its own subdivision between January 1, 1971 and January 1, 1974, shall:

1. Compile a list of the names and last-known addresses of all identifiable such purchasers, who defaulted on said contracts prior to the date the agreement containing this Order was accepted by the Commission and who forfeited payments in excess of 30% of the cash purchase price.

2. Send a letter within six months of the effective date of this order, by first class mail, to each purchaser referred to in subparagraph 1 above, advising him of this right to a refund, the approximate time period and manner in which such refund will be made, the need to execute and return with 30 days the enclosed quit-claim deed, release or similar document, if such is required for the purchaser to obtain a refund, and the need for notifying said respondent of any future change of residence or address where such refund can be delivered.

3. Enclose with the letter referred to in subparagraph 2 above a form for notification of any change of the purchaser's address and any quit-claim deed, release or other document which is required to be executed by the purchaser for the purchaser to receive a refund.

4. In the event that the letter referred to in subparagraph 2 above is returned undelivered, promptly review its files and make other reasonable efforts such as contacting credit bureaus, telephone and utility companies, in order to obtain the present address of each such purchaser whose letter was not delivered, and to those purchasers for whom a present address is obtained by these means or otherwise, send the letter required by subparagraph 2 above within sixty days of obtaining the present address; provided, however, that all obligations to send the letter required by this subparagraph shall terminate twenty-four months after the effective date of this Order.

5. Refund to each purchaser, for whom a current mailing address has been obtained pursuant to subparagraph 2 or 4 above, all payments paid by such purchaser in excess of 30% of the cash purchase price disclosed in the contract. Provided, however, that refunds under this subparagraph may be conditioned upon purchaser's execution of a quit-claim deed, release or other document necessary to free any and all liens or encumbrances to effect a full release of any interest or right whatsoever flowing from the terms of the contract.

6. Refund the amount due under subparagraph 5 above between 12 months and 24 months after the effective date of this Order.

7. Maintain, for three years after the effective date of this Order or three years after the last refund payment is made, whichever occurs last, records which are adequate to disclose said respondent's compliance with subparagraph 5 above, such records to be furnished by said respondent to the Federal Trade Commission upon request.

C. Respondent Bankers Life and Casualty Company shall guarantee that the refunds required by Paragraphs A and B above are made in the time required therein.

D. With respect to purchasers who contract to buy land after the effective date of this Order, the sales contract shall contain a provision that in the event purchaser thereafter defaults, if purchaser's total payments exceed 40% of the cash purchase price, purchaser shall be entitled to receive a refund of 65% of payments made in excess of 40% of the cash purchase price. Provided, however, that refunds hereunder may be conditioned upon purchaser's execution of a quit-claim deed, release of other document necessary to free any and all liens or encumbrances to effect a full release of any interest or right whatsoever flowing from the terms of the contract.

#### VI.

For purposes of Section VI of this Order, the following definitions shall be applicable: "Subdivision business" shall mean the acquiring of land for subdividing, the dividing of land into subdivision lots, or the advertising, promotion or selling of subdivided lots to purchasers.

It is further ordered that respondent Richard Greenberg, individually or as officer, director, stockholder, employee, agent or manager, of any corporation or other entity does forthwith cease and desist from engaging in the subdivision business unless

such subdivision business is conducted with or through entities which agree to be bound by and which act in accordance with the Agreement Containing Consent Order to Cease and Desist entered in this proceeding between the Commission and Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, Estates of the World, Inc., Milco Associates, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Trustees of Colorado Properties, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., G-R-P Corporation, and Materic, Inc.

## VII.

It is further ordered that if the Interstate Land Sales Full Disclosure Act, presently codified at 15 U.S.C. §§ 1701-20 (1970), or any regulation that has been or may be promulgated pursuant thereto requires an act or practice that is prohibited by any provision of this Order, or prohibits an act or practice that is required by any such provision, or is otherwise inconsistent with any such provision of this Order, any such provision of this Order shall be without legal force or effect.

## VIII.

It is further ordered that in the event the Federal Trade Commission promulgates a valid Trade Regulation Rule applicable to respondents' sale of land, then to the extent there are any inconsistencies between this Order and such Rule, the Trade Regulation Rule will govern.

## IX.

It is further ordered that each of the respondents Bankers Life and Casualty Company, Southern Realty Utilities Corp., Hartsel Ranch Corporation, Estates of the World, Inc., Milco Associates, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Trustees of Colorado Properties, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., G-R-P Corporation, and Materic, Inc.:

1. Deliver, by hand or by certified mail, a copy of Sections I, II, and III of this Order to each of their present or future employees and salesmen, and independent brokers, who sell or promote the sale of land to purchasers.
2. Provide each person so described in Paragraph 1 above with a form, returnable to said respondents, clearly stating such person's intention to be bound by and to conform his sales practices to the requirements of this Order.
3. Inform each person described in Paragraph 1 above that said respondents shall not use any such person, or the services of any such person, unless such person agrees to and does file notice with said respondents that such person will be bound by the provisions contained in this Order.
4. That in the event such person will not agree to so file notice with said respondents and to be bound by the provisions of this Order, said respondents shall not use such person, or the services of such person.
5. Inform the persons described in Paragraph 1 above that said respondents are obligated by this Order to discontinue dealing with those persons who engage on their own

in the acts and practices prohibited by this Order.

6. Institute a program of continuing surveillance adequate to reveal whether the sales practices of each of said persons described in Paragraph 1 above conform to the requirements of Sections I, II, and III of this Order.

7. Discontinue dealing with any person described in Paragraph 1 above, revealed by the aforesaid program of surveillance, who repeatedly engages on his own in the acts or practices prohibited by Sections I, II, and III of this Order; provided, however, that, in the event remedial action is taken, evidence of such dismissal or termination shall not be admissible against said respondents in any proceeding brought to recover penalties for alleged violation of any other paragraph of this Order.

## X.

It is further ordered that each of the respondents Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, Estates of the World, Inc., Milco Associates, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Trustees of Colorado Properties, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., G-R-P Corporation, and Materic, Inc., shall forthwith distribute a copy of this Order to each of their subsidiaries engaged in the sale of land.

## XI.

It is further ordered that in the event that any of the respondents Hartsel Ranch Corporation, Estates of the World, Inc., Milco Associates, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Trustees of Colorado Properties, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., G-R-P Corporation and Materic, Inc., transfers all or a substantial part of its subdivision land to any other corporation or to any other person engaged in subdivision land sales or transfers all or part of its ownership interest to wholly-owned subsidiaries, such respondent shall require the transferee to file promptly with the Commission a written agreement to be bound by all the terms of this Order; provided that, if such respondent wishes to present to the Commission any reasons why said Order should not apply in its present form to said transferee, such respondent shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

## XII.

It is further ordered that each of the respondents Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, Estates of the World, Inc., Milco Associates, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Trustees of Colorado Properties, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., G-R-P Corporation and Materic, Inc., notify the Commission at least thirty days prior to any proposed corporate change, such as dissolution, assignment or sale resulting in the emergence

of a successor corporation, the creation or dissolution of subsidiaries or any other change in said respondent which may affect compliance obligations arising out of this Order.

## XIII.

It is further ordered that each of the respondents Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, Estates of the World, Inc., Milco Associates, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc., Trustees of Colorado Properties, Inc., Top of the World, Inc., San Luis Valley Ranches, Inc., G-R-P Corporation, Materic, Inc., and Richard Greenberg shall, within sixty (60) days after service upon them of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which said respondent has complied with this Order. Thereafter, each of said respondents, where applicable, will submit a supplemental compliance report on or before sixty (60) days after the date scheduled for the completion of the restitution provision of Section V.

*Exhibit A*

Dear [Customer Name]:

Our records show that you purchased Lot[s] \_\_\_\_\_ in Block \_\_\_\_\_ of Section \_\_\_\_\_ of [development name] on [date] for [contract price]. At the present time we show a balance owed of \$\_\_\_\_\_ and a paid-in amount [principal and interest] of \$\_\_\_\_\_.

In settlement of litigation with the Federal Trade Commission, in which we admit no liability, we have agreed to offer you an opportunity to cancel your contract on the above lot on the following terms. If you elect to cancel your contract at this time you may obtain a 70% refund on [paid-in amount], or \$\_\_\_\_\_, which will be paid to you in four quarterly payments commencing [date to be set within 120 days after date letter sent]. Of course, if you elect to cancel the contract, you do not need to make any more payments.

If you decide to accept our offer, sign the enclosed [quit-claim deed] [rescission and release agreement], have it notarized and return it within 30 days of receiving this letter. Also you should fill in the enclosed change of address card and send it to us if your mailing address changes.

See Attached Fact Sheet.

*Fact Sheet*

*Water:* The source of domestic water for the property is individual wells drilled by the owner at his expense. The cost of drilling a well is approximately [\$10 per foot [North]] [\$12 to \$16 per foot [South]] plus the cost of a pump; and water is generally available from approximately 100 feet to 300 feet, depending on its location.

*Sewage Disposal:* Sewage disposal is handled by the use of individual septic tanks which for most pieces of property cost from approximately \$800 to \$1,500. Percolation tests have shown that most of the properties are well suited for such a system.

*Electricity:* Electric power is available from local cooperative power associations. The cost of such electric power may be impractical because of the distance from the

nearest power line. Generators can be purchased new by the owner of the property from approximately \$1,000 to \$2,500.

**Telephone:** Telephone service is available but may be impractical because of the distance from existing telephone lines.

**Roads:** Roads were built by the developer to give access to the property but have not been maintained in areas where no development has occurred. Some of the roads were dedicated to the county which is responsible for maintaining them on evidence of need. The other roads will be maintained by the developer on evidence of need until dedicated to the county.

With regard to the future value of land such as that which you bought, the Department of Housing and Urban Development requires the following statement in all Property Reports:

The future value of land is uncertain; do not count on appreciation. You should consider the competition which you may experience from the developer in attempting to resell your lot and the possibility that real estate brokers may not be interested in listing your lot.

#### Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an Agreement to a proposed consent Order in Docket No. 9075 from: Bankers Life and Casualty Company, Southern Realty & Utilities Corp., Hartsel Ranch Corporation, Estates of the World, Inc., San Luis Valley Ranches, Inc., Larwill Costilla Ranches, Inc., Rio Grande Ranches of Colorado, Inc. Top of the World, Inc. Materic, Inc., G-R-P Corporation, Trustees of Colorado Properties, Inc. Milco Associates, Inc., and Richard Greenberg.

The proposed consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the Agreement and the comments received and will decide whether it should withdraw from the Agreement or make final the Agreement's proposed Order.

On February 26, 1976, the Federal Trade Commission issued a Complaint against Bankers Life and Casualty Company and 15 other corporate and individual respondents, alleging unfair and deceptive acts and practices in the sale of subdivided lots of undeveloped land in six subdivisions in Colorado. Four of these subdivisions are located in the San Luis Valley, a region in southern Colorado, and are known as: San Luis Valley Ranches, Rio Grande Ranches, Top of the World, and Larwill Costilla Ranches. The other two subdivisions are located in Park County in central Colorado, and are known as: Hartsel Ranch, and Estates of the World or Estates of Colorado. One respondent, Mr. Irving E. Miller, did not execute an agreement and remains in adjudicative status.

#### Complaint Allegations

The Complaint alleged that the respondents cooperated and acted together in

using certain unfair and/or deceptive acts and practices in the sale of subdivision lots, including:

- (1) Representing falsely that the purchase of a lot was a good investment;
- (2) Failing to say that the purchase was a risky one due in part to the difficulty a consumer would have in attempting to resell;
- (3) Misrepresenting the useability of respondents' lots as homesites;
- (4) Failing to make disclosures about the high cost of utilities, the poor quality and remote location of the land, and the lack of home construction financing;
- (5) Using unfair contract provisions; and
- (6) Selling lots by the use of contracts-for-deeds while at the same time entering into mortgage agreements which could cut off the purchaser's right to receive a warranty deed upon payment in full for the land.

Additionally, the notice of contemplated relief which accompanied the Complaint apprised respondents that the Commission might seek consumer redress at the conclusion of the adjudicative proceedings.

#### The Agreement

The Agreement basically requires respondents to (1) offer restitution to certain land purchasers; (2) cease and desist from making certain representations; and (3) make certain disclosures in the sale of subdivision lots.

#### (A) Consumer Redress

Respondents are required to offer all active or paid-in-full purchasers, who contracted to buy one or more lots at the subdivisions listed above between January 1, 1971 and January 1, 1974, an opportunity to cancel their contracts and receive a refund of 70% of all payments made (principal and interest). Accompanying the offer will be a Fact Sheet which should assist the purchaser in deciding whether to accept the offer. The Fact Sheet will provide the estimated cost of a well, septic tank, and electric generator, which may in total exceed \$9,000, and will indicate that: (1) electricity by power line and telephone may be impractical due to the high cost; (2) there is no road maintenance in some areas; (3) the future value of this land is uncertain and purchasers should not count on its appreciation; and (4) purchasers may be unable to resell their lots.

A purchaser who accepts the offer will not need to make any more payments to the sellers, and the purchaser will receive the 70% refund in four quarterly payments beginning within three months of his receiving the refund offer. However, in order to receive the refund, the purchaser must sign a document which deeds back the lot or releases his interest in it to the seller, and the purchaser must send the signed deed or release to the seller within 30 days of receiving the offer.

By the terms of respondents' land sales contracts, defaulting purchasers forfeited all the money which they had paid. With regard to each purchaser who contracted to buy one or more lots at the listed subdivisions between January 1, 1971 and January 1, 1974 and who subsequently defaulted, the Order requires respondents to refund all money

(principal and interest) paid by that purchaser which exceeds 30% of the cash price paid for the lot.

The primary responsibility for making the refunds to both the active and defaulted purchasers lies with the subdivision sellers, but Bankers Life and Casualty Company guarantees that the payments will be made.

#### (B) Cease and Desist Provisions

The Order prohibits respondents from representing in the future that the purchase of a lot is a good investment, involves little or no financial risk, or is a way to achieve financial security or prosperity, to deal with inflation or to become wealthy. The Order also requires respondents to stop representing that lots may soon be unavailable, and that their subdivision land is comparable to industrial areas, urban areas or mountain resort areas. The Order has a proviso which allows respondents to make these representations if they can prove that at the time they are made, the representations are true and respondents have data which substantiates them.

In addition, respondents are prohibited from representing that the lots are useable as homesites or vacation homesites, unless water, sewage disposal and electricity are available and the source of such utilities is accurately disclosed.

Further, respondents are prohibited from using certain contractual provisions, including the one by which defaulting purchasers forfeit all payments made. In future contracts, respondents must provide that they will return at least 85% of all payments (principal and interest) made by the defaulter in excess of 40% of the contract's cash price.

#### (C) Disclosures

Respondents are required by the Order to make certain disclosures in the advertising, promotional materials and contracts used in future lot sales. The Order often sets out the exact form in which these disclosures are to be made. Disclosures are to be made concerning:

- (1) The risky nature of a land investment and possible difficulties in reselling the land;
- (2) The availability of utilities and roads;
- (3) The cost to the purchaser of utilities and the necessary improvements;
- (4) The fact that a bank or other lender near the subdivision should be consulted prior to purchase if the purchaser needs home construction financing;
- (5) The approximate distance from the purchaser's land to any city, facility, body of water, or road represented to be in the proximity of the land; and
- (6) The identity of lots in flood plain areas.

The Order also requires respondents to notify purchasers of two "cooling-off" periods. First, anyone who contracts other than through the mails must receive notice of the right to cancel the contract at any time within 10 days of signing the contract. Second, if respondents offer a refund contingent upon the purchaser taking a company-guided inspection tour, then they must give the purchaser three days after

taking the tour to cancel the contract and receive the refund.

(D) *Deed Guarantee*

The Order also is designed to insure that purchasers who fulfill their contracts get a deed and their rights are not cut off by a holder of a mortgage on the land. Respondents, both the subdivision sellers and mortgage holders, must publicly record a promise to deliver a general warranty deed to anyone who pays for a lot in full. Further, respondents are prohibited from mortgaging any subdivision land in the future unless the mortgage provides that any purchaser of a lot in that subdivision who pays in full will be given a general warranty deed.

(E) *Compliance Procedures*

All respondents are required to submit a report, within 60 days of the service of the Order, setting forth the details of how they have complied with the Order. Respondents also must submit a supplemental compliance report concerning the redress provisions of the Order, and maintain records for at least three years after the last refund payment is made, disclosing their compliance with those provisions.

The purpose of this analysis is to facilitate public comment on the proposed Order, and it is not intended to constitute an official interpretation of the Agreement and proposed Order or to modify in any way their terms.

Carol M. Thomas,  
Secretary.

[File No. 9075; Docket No. 9075]  
[FR Doc. 79-15278 Filed 5-15-79; 8:45 am]  
BILLING CODE 6750-01-M

## COMMODITY FUTURES TRADING COMMISSION

### [17 CFR Part 15]

#### Requirement of Foreign Brokers and Foreign Traders to Designate An Agent in the United States to Receive Service of Communications Issued by the Commission.

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Commodity Futures Trading Commission is publishing for public comment two proposed rules which will facilitate Commission regulation of foreign individuals and entities engaged in futures trading on United States exchanges. The Commission is proposing to regulate foreign brokers to designate a person domiciled in the United States as an agent to accept service and delivery of various communications made by or on behalf of the Commission. As a condition to making or causing to be made any futures transaction on a contract market in the United States, the foreign broker must file with the

Commission an agreement designating the agent and must also provide a copy of the agreement to the futures commission merchant who is to effect the transaction. Futures commission merchants would be prohibited from effecting a transaction unless the futures commission merchant first obtains and maintains for its records a copy of the required agency agreement. In addition, a foreign broker would be required to obtain, generally, the consent of each of its customers that the foreign broker's agent for service and delivery of communications from the Commission also serve as the customer's agent for that purpose.

With respect to those foreign traders who deal directly with futures commission merchants rather than through foreign brokers, the Commission is proposing to require the futures commission merchant to execute an agreement with the foreign trader, authorizing the futures commission merchant to serve as the foreign trader's agent for the delivery or service of communications issued by or on behalf of the Commission. The futures commission merchant must maintain the written agreement for its records and furnish a copy of the agreement to the Commission upon request. The proposal would not apply to foreign traders who file with the Commission an agreement authorizing a person domiciled in the United States to serve as the foreign trader's agent authorized to accept delivery and service of any communications issued by or on behalf of the Commission.

**DATE:** Comments must be received on or before May 16, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mark D. Young, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, telephone (202) 254-5716.

**SUPPLEMENTARY INFORMATION:** On December 9, 1977, the Commission published for comment in the *Federal Register* proposed rules concerning a variety of regulatory requirements for futures commission merchants, foreign brokers and foreign traders.<sup>1</sup> At that time, the Commission stated that in

<sup>1</sup> 42 FR 62147 (Dec. 9, 1977). The term "foreign broker" is defined in § 15.00(a) of the Commission's regulations to be "any person located outside of the United States or its territories who carries an account in commodity futures on any contract market for any other person." 17 CFR § 15.00(a) (1978). The term "trader" is defined in Section 15.00(e) of the Commission's regulations to be "a person who, for his own account or for an account which he controls, makes transactions in commodity futures or has such transactions made." 17 CFR § 15.00(e) (1978).

order to perform adequately its basic function of preserving the integrity of futures markets the Commission must be able to ascertain promptly essential trading data for both domestic and foreign market participants.<sup>2</sup> The Commission explained, however, that

[i]n the past, Commission experience in obtaining information from foreign traders has not been uniformly successful. Because of communications difficulties, the failure of some foreign brokers to identify their customers and of some foreign traders to provide information as required by the Commission's regulations, prompt and accurate identification of foreign traders and determination of their positions and intentions with regard to their use of the futures markets has not always been possible. If permitted to continue, this situation could hamper the Commission in discharging its regulatory responsibilities promptly, particularly in identifying persons who may potentially be in a position to disrupt the markets.<sup>3</sup>

In December 1978, the Commission adopted several of the rules it had proposed in December 1977,<sup>4</sup> and noted that it was still considering certain elements of its proposals,<sup>5</sup> including the designation of a domestic agent to receive service of documents on behalf of foreign persons engaged in futures trading. The Commission is now proposing for adoption two specific rules which will implement this aspect of its earlier proposals.

#### Public Comments

In response to the Commission's December 9, 1977 proposal that foreign traders be required to designate an agent for service of process, the Commission received public comment from seven domestic entities which participate in commodity futures trading and related activities. No comments were received from foreign traders or foreign brokers on this specific proposal. Three commentators supported the Commission's proposal. These commentators expressed the view that such a requirement would facilitate the Commission's efforts to obtain timely and accurate information related to foreign participation in United States futures markets.

One commentator opposed the proposal because it did not believe that the Commission is authorized to require foreign persons to designate an agent in this country. In contrast, another commentator suggested that the proposal was not needed since it was clear that the Commission already had

<sup>2</sup> 42 FR 62148 (Dec. 9, 1977).

<sup>3</sup> *Id.*

<sup>4</sup> 43 FR 60148 (Dec. 26, 1978).

<sup>5</sup> *Id.* at n. 1.



jurisdiction over all persons who have futures transactions effected on domestic contract markets. While the Commission agrees with the second commentator,<sup>6</sup> the Commission believes that the proposed rules are needed to facilitate the Commission's exercise of its existing authority to serve notice on and require information from foreign entities.<sup>7</sup> In addition, the Commission has determined that the regulatory scheme embodied in the Act and the regulations thereunder will function more effectively if the Commission is able to communicate expeditiously with all participants in the futures markets. If the Commission institutes an administrative proceeding against a foreign person<sup>8</sup> or attempts to obtain information from that person concerning its participation in the futures markets,<sup>9</sup> the rights and interests of the person will be best protected by prompt and fair notification of the Commission's action or request. Thus, the proposed rules help to effectuate the provisions and purposes of the Act and, therefore, are well within the Commission's general rulemaking authority.<sup>10</sup>

#### The Commission's Proposed Rules

The Commission continues to believe that foreign participants in futures

<sup>6</sup> At the present time, any person who, either directly or indirectly, buys or sells futures contracts traded on United States markets or otherwise engages in activity regulated by the Commodity Exchange Act, subjects himself to the provisions of the Act and the Commission's jurisdiction thereunder, regardless of the country in which the person is domiciled. Congress has expressly recognized in the Commodity Exchange Act "that the transactions and prices of commodities on . . . boards of trade are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling commodities and the products and byproducts thereof in interstate commerce, and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in commodities and the products and byproducts thereof and render regulation imperative for the protection of such commerce and the national public interest therein." Section 3 of the Act, 7 U.S.C. § 5 (1976) (emphasis added). Congress also has explicitly provided that the Commodity Exchange Act applies to transactions involving the current of commerce in commodities beyond the territorial limits of the United States, Section 2(b) of the Act, 7 U.S.C. § 3 (1976).

<sup>7</sup> *In the Matter of Wiscopes, S.A.*, CFTC Docket No. 79-14, CCH Comm. Fut. L. Rep. ¶20, 785 (1979); *pet. for review pending* No. 79-4077 (2d Cir. 1979).

<sup>8</sup> Section 6(b) of the Act, 7 U.S.C. § 9 (1976).

<sup>9</sup> Sections 18.05, 18.07 and 21.02 of the Commission's regulations, 17 CFR §§ 18.05, 18.07 and 21.02 (1978).

<sup>10</sup> Section 8a(5) of the Act, 7 U.S.C. § 12a(5) (1976). See *Ames v. Merrill Lynch*, 567 F. 2d 1174, 1177-78 (2d Cir. 1977). See also *Board of Trade Clearing Corp. v. United States*, Comm. Fut. L. Rep. [CCH] ¶20, 534, pp. 22, 206-207 (D.D.C. 1978), *affirmed* No. 98-1263 (D.C. Cir. March 30, 1979).

trading in the United States should be required to designate an agent authorized to accept service or delivery of documents and other communications from the Commission. The proposed rules will simplify the manner in which the Commission may impart information to or obtain information from foreign persons engaged in futures trading. The Commission has found that its present method of communicating with foreign entities—attempting to send documents either directly to foreign persons by registered mail or telex or through futures commission merchants not expressly authorized to serve as agents for service—is unduly complicated. In addition, the Commission has been informed that certain nations impose restrictions on the ability of a foreign government or agency thereof to send communications directly to citizens or firms of that nation. For example, the Commission has been advised that it may be inappropriate under Swiss law for the Commission to send any form of communication directly to firms or traders domiciled in Switzerland; rather, the Commission may be requested to address all such communications through diplomatic channels. Certain types of communications that may be necessary to meet the requirements of the Commodity Exchange Act and due process may be perceived as offensive by Swiss officials because of their "threatening" tone and, for this reason, would not be delivered to the traders. Accordingly, to permit the Commission to communicate effectively with all participants in the marketplace, the Commission is proposing that the designation of an agent for service be a prerequisite to participation by foreign entities in the futures markets.

The Commission does not intend or believe that the proposed rules will have a chilling effect on foreign participation in the futures markets. Indeed, the Commission welcomes such participation. The Commission is proposing these rules, however, in order to provide a fair but effective system—consistent with the Commission's policy of parity of treatment of foreign and domestic participants in futures trading—by which the Commission may expeditiously communicate with foreign brokers and traders.

#### Foreign Brokers

Proposed § 15.05(a) defines three terms for purposes of that section and proposed § 15.06: "futures contract" is defined as any contract for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market; "customer" is defined

as any person for whose account a foreign broker makes or causes to be made any futures contract; and "communications" is defined as any summonses, complaints, orders, subpoenas, special calls, notices and other documents or correspondence.<sup>11</sup>

Proposed § 15.05(b) provides that no foreign broker shall make or cause to be made any futures contract, for its own account or for the account of any customer (including a customer who is also a foreign broker), unless the foreign broker has previously filed with the Commission and provided any futures commission merchant through whom such contract is to be effected a copy of a duly executed written agency agreement between the foreign broker and a person domiciled in the United States. Basically, the agreement must include terms providing that the agent in the United States will be authorized to accept delivery and service on behalf of the foreign broker and all of the foreign broker's existing and future customers of all communications issued by or on behalf of the Commission.<sup>12</sup> In addition, the agreement must contain the name, address and telephone number of the agent in the United States and the foreign broker's consent that delivery to or service upon the agent at that address of any communications issued by or on behalf of the Commission shall constitute valid and effective delivery to and service upon the foreign broker or its customers. The agreement also must contain the agent's undertaking that it will transmit any communications from the Commission to the foreign broker or any of its customers at an address specified by the foreign broker, or, where applicable, its customer, in a manner best calculated to provide the foreign entity with receipt at the earliest possible time. The agreement must also provide that it remains in effect and may be relied upon until such time as a substitute or amended agency agreement has been duly filed with the Commission. Proposed § 15.05(b) further provides that in the event the agreement separately discloses the identity of a foreign broker's customer, the foreign broker may, at its election, delete

<sup>11</sup> This definition will encompass any document which the Commission may serve pursuant to the Federal Rules of Civil Procedure or any document the Commission is authorized to serve under its regulations.

<sup>12</sup> The Commission intends that the words "by or on behalf of the Commission" be interpreted broadly in connection with proposed §§ 15.05 and 15.06. For example, the Commission intends this language to include subpoenas issued by an authorized Commission employee as provided for in Section 6(b) of the Act, 7 U.S.C. § 15, as amended by the Futures Trading Act of 1978, Pub. L. No. 95-465, § 13(3), 92 Stat. 871 (1978).

reference to the identity of the customer from the copy of the agreement provided to the futures commission merchant.

Proposed § 15.05(c) prohibits a foreign broker from making or causing to be made any futures contract for the account of any customer, including any customer who is also a foreign broker, unless the foreign broker has previously obtained a duly executed written consent from the customer that the foreign broker's designated agent is authorized to serve as the agent for such customer for the acceptance of delivery and service of all communications issued by or on behalf of the Commission. The customer is also required to give its consent (1) that the agent may transmit these communications to the customer at an address specified by the customer in the written consent; (2) that the foreign broker may disclose to the Commission, at its request, and that the Commission may disclose to the agent of the foreign broker, the customer's name and address, market positions and any information that such customer is required to furnish the Commission in accordance with the provisions of the Act and the Commission's rules and regulations thereunder; (3) that the foreign broker may provide to the Commission, at its request, a copy of the written consent of such customer; and (4) that delivery to or service upon the agent of communications issued by or on behalf of the Commission shall constitute valid and effective delivery to and service upon the customer. The foreign broker must maintain a copy of this written consent for its records and furnish a copy thereof to the Commission upon demand within 24 hours.

The Commission hopes to achieve a number of regulatory objectives by requiring a foreign broker's customer to execute this written consent. First, the proposed rules will eliminate the possibility that a trader may avoid a Commission attempt to communicate with that trader by placing an order through a foreign broker, who then places the same order in its name, rather than the trader's name, with another foreign broker. In order to deal with this problem, the proposed rules explicitly recognize that a foreign broker's customer may also be a foreign broker having its own customers. Proposed § 15.05(c) will require a foreign broker-customer to obtain the consent of those of its customers who are the beneficial owners of positions carried in the account of the foreign broker-customer maintained with another foreign broker. Proposed § 15.05(b) will also require the

foreign broker-customer to file the agency agreement with the Commission under proposed § 15.05(b) insofar as the foreign broker-customer acts in the capacity of a foreign broker. As a result, assume, for example, that foreign broker A makes or causes to be made a futures contract for its customer B. Customer B is also a foreign broker who has caused the transaction to be effected for its customer C. Under proposed Rule 15.05, A and B, as foreign brokers, both must file the agency agreement required under § 15.05(b).<sup>13</sup> In addition, both B and C, as customers, are required to execute the written consent agreement under proposed § 15.05(c), with foreign brokers A and B, respectively. Thus, under this scheme the Commission will be able to communicate with all foreign brokers or any customers of a foreign broker participating in the futures markets in this country.

The Commission also anticipates that proposed Rule 15.05 will eliminate any possible dilemma for those foreign brokers located in nations which have laws preventing the disclosure of the identity of the foreign broker's customer, absent the consent of that customer. The Commission points out that there may be occasions where the identity of the foreign broker's customer will be disclosed to the Commission upon its request for certain trading data. The agent may also learn the customer's identity if the Commission attempts to serve or deliver communications to the customer through the agent. But, since a foreign broker will be required to obtain the consent of its customers to disclose their identity, market positions and any other required information, any potential problems with local financial privacy laws should be resolved in advance of a Commission request for information. The requirement in proposed Rule 15.05 of a written consent should facilitate the ability of foreign brokers and, indeed, foreign traders, generally to structure their affairs in a manner consistent with both the existing requirements of the Commodity Exchange Act<sup>14</sup> and any local laws applicable to the foreign broker and its customers.

Moreover, the Commission believes that requiring a foreign broker's customer to execute the written consent agreement under proposed Rule 15.05,

<sup>13</sup> Note, unlike foreign broker A, foreign broker-customer B would not be required to furnish a copy of its agency agreement to the futures commission merchant effecting this futures transaction, since foreign broker-customer B would not necessarily know the identity of the futures commission merchant with whom foreign broker A has placed its order.

<sup>14</sup> *In the Matter of Wiscope, S.A., supra.*

will underscore for this trader the requirements imposed upon him by United States law when trading futures contracts on contract markets. A customer will expressly be informed when he opens an account with a foreign broker that the foreign broker will be authorized to disclose the customer's identity to the Commission and that the Commission may also disclose his identity to the foreign broker's agent in the United States.

Finally, in proposing that a foreign broker be required to obtain this written consent from its customers, the Commission is attempting to effect a system of regulatory parity between futures commission merchants and foreign brokers. Under § 1.37 of the Commission's regulations, each futures commission merchant is required to keep a record in permanent form which shall show for each commodity futures account carried by him the true name and address of the person for whom such account is carried and the principal occupation or business of such person as well as the name of any person guaranteeing such account or exercising any trading control with respect to such account. Such record shall be open to inspection by any authorized representative of the Commission.<sup>15</sup>

Thus, futures commission merchants must at present maintain records somewhat similar to those covered by the written consent agreement that would be required for foreign brokers by proposed Rule 15.05.

Proposed § 15.05(d) prohibits a futures commission merchant from, directly or indirectly, making or causing to be made for or on behalf of a foreign broker any futures contract or accept any order therefor unless the futures commission merchant has previously obtained, and maintains for its records, a copy of the agreement required to be provided to the futures commission merchant by the foreign broker under proposed § 15.05(b). Of course, the futures commission merchant will not be required to obtain a similar agreement from the beneficial owner of the positions in the account, the foreign broker's customers, since these persons will have consented to the foreign broker's agent serving as their agent pursuant to proposed § 15.05(c).

#### Foreign Traders

Proposed Rule 15.06 applies to foreign traders who deal directly with futures commission merchants rather than through a foreign broker. Proposed § 15.06(a) defines the term "foreign trader" to be, for purposes of proposed Rule 15.06, any trader who resides

<sup>15</sup> 17 CFR § 1.37 (1978).

outside the United States or its territories.<sup>16</sup>

Proposed § 15.06(b) provides that no futures commission merchant shall, directly or indirectly, make or cause to be made for or on behalf of a foreign trader any futures contract or accept any order therefor unless the foreign trader has previously executed a written agency agreement with the futures commission merchant.<sup>17</sup> Under the agreement, the futures commission merchant shall agree to act as the authorized agent to accept delivery and service on behalf of the foreign trader of all communications issued by or on behalf of the Commission. The agreement must include the foreign trader's consent that delivery to or service upon the futures commission merchant at its principal place of business as shown in the records of the Commission, or at such address as may be specified in the agreement, of any communications issued by or on behalf of the Commission shall constitute valid and effective delivery to or service upon the foreign trader. In addition, the futures commission merchant must undertake to transmit any communications issued by or on behalf of the Commission to the foreign trader at an address specified in the agreement in a manner best calculated to provide the foreign trader with receipt of the communication at the earliest possible time as is reasonable under the circumstances. The written agreement must be maintained by the futures commission merchant for its records and the futures commission merchant must furnish a copy of the agreement to the Commission upon request by the Commission or any representative of the Commission.

One commentator on the Commission's December 1977 proposal suggested that the Commission impose a direct requirement on the futures

<sup>16</sup> The Commission intends that, for purposes of proposed Rule 15.06, a corporation, partnership or other business entity which is a "trader" as defined in § 15.00(e) of the Commission's regulations, shall not be deemed to "reside" outside the United States if the business entity maintains an office in the United States and would be amenable to service and delivery of communications from the Commission at that office.

<sup>17</sup> The Commission does not intend that a futures commission merchant would be required to enter into an agreement under proposed § 15.06(b) with those foreign traders who are the beneficial owners of positions in an account maintained by a futures commission merchant in the name of a foreign broker. In such a situation, the foreign trader would not be dealing directly with the futures commission merchant. Instead, the foreign trader would be a customer of the foreign broker under proposed Rule 15.05 and would therefore be required to have authorized the foreign broker's agent to serve as the trader's agent for purposes of transactions effected through the foreign broker.

commission merchant effecting futures transactions for any foreign trader whereby the foreign trader will be deemed to have appointed the futures commission merchant to be the foreign trader's agent for service. The Commission considered this approach, but has determined that proposed Rule 15.06 will provide more clarity to the agency relationship by containing the foreign trader's express authorization to the futures commission merchant to act as agent. Moreover, the Commission believes that proposed Rule 15.06 will enable the foreign trader and the futures commission merchant to agree in advance to a specific procedure to be followed by the futures commission merchant in notifying the foreign trader of any applicable communications issued by or on behalf of the Commission.

Proposed § 15.06(c) exempts from the requirements of proposed § 15.06(b) any foreign trader who files with the Commission a duly executed written agency agreement between the foreign trader and a person domiciled within the United States and has provided a copy of this agreement to any futures commission merchant who makes or causes to be made any futures contract for the benefit of the foreign trader.<sup>18</sup> This agreement must provide that the person domiciled in the United States agrees to act as and the foreign trade appoints such person to be the foreign trader's agent authorized to accept delivery and service on behalf of the foreign trader of all communications issued by or on behalf of the Commission; the name, address and telephone number of the agent in the United States to whom these communications may be delivered and served; the foreign trader's consent that delivery to or service upon the agent, at the address of the agent provided in the agreement, of any communications issued by or on behalf of the Commission shall constitute valid and effective delivery to or service upon the foreign trader; the agent's undertaking to transmit any trader at a specified address; and that the agreement shall remain in effect and may be relied upon until such time as a substitute or amended agency agreement conforming to the provisions of this section has been duly filed with the Commission.

The Commission believes that these proposed rules will enable it quickly to obtain needed market surveillance information from foreign participants in

<sup>18</sup> Of course, a foreign broker trading for its own account, who has designated an agent as required by proposed Rule 15.05, would also be exempt from the requirements of proposed Rule 15.06.

futures trading. The proposed mechanism for communicating with foreign entities will also permit the Commission to utilize more effectively its enforcement authority under the Act. For example, under Section 6(b) of the Act, 7 U.S.C. § 9 (1976), if the Commission has reason to believe that any person is manipulating or is attempting to manipulate the futures market or has violated any other provision of the Act or the Commission's regulations, the Commission may notify such person that an administrative hearing will be held in not less than three days, at which time such person would be required "to show cause why an order should not be made prohibiting him from trading on or subject to the rules of any contract market, . . ."

Proposed Rule 15.05 reflects the Commission's determination that a foreign broker should be free to select as its agent any person domiciled in the United States—including a futures commission merchant. This flexibility will enable a foreign broker to consider whether it might suffer any competitive disadvantage by designating as its agent a futures commission merchant since, as the agent, the futures commission merchant since, as the agent, the futures commission merchant could be in a position to learn the identity of at least certain of the foreign broker's customers. In contrast, proposed § 15.06(b) requires a foreign trader, who is neither a foreign broker nor a foreign broker's customer covered by proposed Rule 15.05, to execute an agency agreement with the futures commission merchant effecting transactions for the trader. The Commission is proposing this approach in order to avoid any possible gap in the Commission's proposed scheme for communicating with foreign participants in the futures markets. Moreover, proposed § 15.06(c) permits a foreign trader to exempt itself from the requirement by executing and filing an agreement substantially similar to the agreement which would be required for foreign brokers under proposed Rule 15.05. The Commission would anticipate that foreign traders who, like foreign brokers, deal with many futures commission merchants may wish to avail themselves of this exemption under proposed § 15.05(c).

Accordingly, pursuant to the authority in Sections 4i, 6(b) and 8a(5) of the Commodity Exchange Act, as amended, 7 U.S.C. §§ 6i, 9 and 12a(5), the Commission proposes to add new § 15.05 and 15.06 to Part 15 of its regulations as follows:

## PART 15—REPORTS—GENERAL PROVISIONS

\* \* \* \* \*

Sec.

15.05 Designation of an agent for service by foreign brokers and customers of foreign brokers.

15.05 Designation of An Agent for Service by Foreign Brokers Traders Trading Directly Through Futures Commission Merchants.

### § 15.05 Designation of An Agent for Service by Foreign Brokers and Customers of Foreign Brokers.

(a) For purposes of this section and § 15.06 the term "futures contract" shall mean any contract for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market; the term "customer" shall mean any person for whose account a foreign broker makes or causes to be made any futures contract; and the term "communications" shall mean any summonses, complaints, orders, subpoenas, special calls, notices and other documents or correspondence.

(b) No foreign broker shall make or cause to be made any futures contract for its own account or for the account of any customer, including any customer who is also a foreign broker, unless, prior thereto, the foreign broker has filed with the Commission a duly executed written agency agreement between the foreign broker and a person domiciled within the United States and has provided the futures commission merchant through whom such contract is to be effected a copy of this agreement. This agreement shall provide

(1) That the person domiciled in the United States agrees to act as and the foreign broker appoints such person to be (A) the foreign broker's agent authorized to accept delivery and service on behalf of the foreign broker of all communications issued by or on behalf of the Commission and (B) the agent of all of the foreign broker's existing and future customers, authorized to accept delivery and service on behalf of such customers of all communications issued by or on behalf of the Commission;

(2) The name, address and telephone number of the agent in the United States to whom communications issued by or on behalf of the Commission may be delivered and served;

(3) The foreign broker's consent that delivery to or service upon the agent at the address of the agent provided in the agreement of any communications issued by or on behalf of the Commission shall constitute valid and

effective delivery to and service upon the foreign broker or its customers;

(4) The agent's undertaking to transmit any communications issued by or on behalf of the Commission to the foreign broker or its customer in a manner best calculated to provide the foreign broker or its customer with receipt of the communication at the earliest possible time as is reasonable under the circumstances at the address of the foreign broker specified in the agreement or the address of the foreign broker's customer specified in the written consent required to be executed under paragraph (c) of this section; and

(5) That the agreement shall remain in effect any may be relied upon until such time as a substitute or amended agency agreement conforming to the provisions of this section has been duly filed with the Commission.

To the extent the agreement required by this section separately discloses the identity of the foreign broker's customers, the foreign broker may, at its election, delete reference to the identity of the customer from the copy of the agreement provided to the futures commission merchant.

(c) No foreign broker shall make or cause to be made any futures contract for the account of any customer, including any customer who is also a foreign broker, unless, prior thereto, the foreign broker obtains the duly executed written consent of the customer

(1) That the foreign broker's agent described in paragraph (b) of this section is authorized by the customer to serve as the agent for such customer for the acceptance of delivery and service on behalf of such customer of all communications issued by or on behalf of the Commission;

(2) That the agent described in paragraph (b) of this section may transmit any communications issued by or on behalf of the Commission to the customer at a specified address;

(3) That the foreign broker may disclose to the Commission, at its request, and that the Commission may disclose to the agent described in paragraph (b) of this section, the customer's name and address, market positions and any information that such customer is required to furnish the Commission in accordance with the provisions of the Act and the Commission's rules and regulations thereunder;

(4) That the foreign broker may provide to the Commission, at its request a copy of the written consent of such customer; and

(5) That delivery to or service upon the agent described in paragraph (b) of this section of communications issued by or on behalf of the Commission at the address of the agent provided in the agreement required by paragraph (b) of this section shall constitute valid and effective delivery to and service upon the customer.

The foreign broker must maintain for its records a copy of this written consent and furnish a copy thereof to the Commission upon demand within 24 hours.

(d) No futures commission merchant shall, directly or indirectly, make or cause to be made for or on behalf of a foreign broker any futures contract or accept any order therefor unless, prior thereto, the futures commission merchant obtains and maintains for its records a copy of the agreement required to be provided to the futures commission merchant by the foreign broker under paragraph (b) of this section.

(e) Unless otherwise specified by the Commission, the agreements and consents required to be filed with or furnished to the Commission under this section shall be filed with or furnished to the Secretariat of the Commission at 2033 K Street, N.W., Washington, D.C. 20581.

### § 15.06 Designation of an agent for service by foreign traders trading directly through futures commission merchants.

(a) For purposes of this section, the term "foreign trader" shall mean any trader, as defined by § 15.00(e), who resides outside the United States or its territories.

(b) Except as provided in paragraph (c) of this section, no futures commission merchant shall, directly or indirectly, make or cause to be made for or on behalf of a foreign trader any futures contract or accept any order therefor unless, prior thereto, the foreign trader has executed a written agency agreement with the futures commission merchant. The agreement shall provide that (1) the futures commission merchant agrees to act as and the foreign trader appoints the futures commission merchant to be the foreign trader's agent authorized to accept delivery and service on behalf of the foreign trader of all communications issued by or on behalf of the Commission; (2) the foreign trader's consent that delivery to or service upon the futures commission merchant at its principal place of business as shown in the records of the Commission, or at such address as may be specified in the agreement, of any communications

issued by or on behalf of the Commission shall constitute valid and effective delivery to or service upon the foreign trader; (3) the futures commission merchant's undertaking to transmit any communications issued by or on behalf of the Commission to the foreign trader at an address specified in the agreement in a manner best calculated to provide the foreign trader with receipt of the communication at the earliest possible time as is reasonable under the circumstances; and (4) the agreement shall remain in effect and may be relied upon until such time as the foreign trader files with the Commission an agreement, as described in paragraph (c). The written agreement required by this paragraph must be maintained by the futures commission merchant for its records. The futures commission merchant must furnish a copy of this written agreement to the Commission upon request by the Commission or any representative of the Commission.

(c) The requirements of paragraph (b) shall not apply in the case of any foreign trader who files with the Commission a duly executed written agency agreement between the foreign trader and a person domiciled within the United States and has provided a copy of the agreement to the futures commission merchant who makes or causes to be made any futures contract for the benefit of the foreign trader. This agreement shall provide

(1) That the person domiciled in the United States agrees to act as and the foreign trader appoints such person to be the foreign trader's agent authorized to accept delivery and service on behalf of the foreign trader of all communications issued by or on behalf of the Commission;

(2) The name, address and telephone number of the agent in the United States to whom communications issued by or on behalf of the Commission may be delivered and served;

(3) The foreign trader's consent that delivery to or service upon the agent at the address of the agent provided in the agreement of any communications issued by or on behalf of the Commission shall constitute valid and effective delivery to or service upon the foreign trader;

(4) The agent's undertaking to transmit any communications issued by or on behalf of the Commission to the foreign trader at an address specified in the agreement in a manner best calculated to provide the foreign trader with receipt of the communication at the earliest possible time as is reasonable under the circumstances; and

(5) That the agreement shall remain in effect and may be relied upon until such time as a substitute or amended agency agreement conforming to the provisions of this section has been duly filed with the Commission.

(d) Unless otherwise specified by the Commission, the agreements required to be filed with or furnished to the Commission shall be filed with or furnished to the Secretariat of the Commission at 2033 K Street, N.W., Washington, D.C. 20581.

Issued by the Commission on May 10, 1979.

James M. Stone,  
Chairman, Commodity Futures Trading Commission.  
[FR Doc. 79-15279 Filed 5-15-79; 8:45 am]  
BILLING CODE 6351-01-M

## SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 211, 229, 240, 249]

### Statement of Management on Internal Accounting Control

#### Correction

In FR Doc. 79-14013 appearing at page 26702 in the issue for Friday, May 4, 1979; on page 26709, first column, first paragraph under the section numbered V, twelfth line, insert the following after "therefore": "invites comments concerning whether these proposals".

[Release No. 34-15772; File No. S7-779]  
BILLING CODE 1505-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[18 CFR Parts 32, 35]

#### Interchange Energy Transmission Rates for Certain Emergencies; Limitations on Percentage Adders in Electric Rates; Extension of Time and Clarification of Proposed Rulemaking

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of Extension of Time and Clarification of Proposed Rulemaking.

**SUMMARY:** On April 4, 1979, the Federal Energy Regulatory Commission (Commission) issued two Notices of Proposed Rulemaking within consolidated comment periods and procedures. (44 FR 21683, 21686) On May 2, 1979, the Commission extended the period for filing comments as follows: Initial comments—May 18, 1979; reply comments—June 1, 1979; oral presentation—May 25, 1979. This notice

again changes the date for oral presentations to Monday, June 4, 1979. Presentations will be held on that day at 10:00 a.m., in Hearing Room A, 825 North Capitol Street, NE., Washington, D.C.

The Commission's Secretary is compiling a list for the service of comments. Commenters are encouraged to serve their comments and replies on all parties listed. This is not mandatory. All comments and replies will be made available for examination by any person at the Commission's Office of Public Information.

The Commission wishes to address what seems to be a common misconception that the proposed rulemaking in Docket No. RM79-29 imposes limits on split-savings adders in economy energy transactions. While the Commission recognizes that such rate components may pose cost control problems, proposed § 35.23 applies *only* to percentage adders.

**DATES:** Initial Comments—May 18, 1979  
Reply Comments—June 1, 1979  
Oral Presentation—June 4, 1979.

**ADDRESS:** Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (Reference Docket Nos. RM79-28 and RM79-29).

**FOR FURTHER INFORMATION CONTACT:** Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 275-4166.

Kenneth F. Plumb,  
Secretary.

[Docket Nos. RM79-28 and RM79-29]  
[FR Doc. 79-15194 Filed 5-15-79; 8:45 am]  
BILLING CODE 6450-01-M

[18 CFR Part 35]

#### Revision of Fuel Cost Adjustment Clause Regulations Relating to Fuel Purchases From Company-Owned or Company-Controlled Sources

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission is proposing to amend § 35.14(a) (6) and (7) of its Regulations under the Federal Power Act relating to fuel cost adjustment clauses. Specifically, § 35.14(a)(6) would be amended to make clear that, where a utility purchases fuel from a company-owned or company-controlled source, costs reflecting fuel handling, fuel storage and fuel financing may not be passed through the fuel cost adjustment clause. The proposed amendment to § 35.14(a)(7) would require utilities to

file with the Commission as rate schedules all contracts for fuel purchases from company-owned or company-controlled sources, regardless of whether the price of such purchase is subject to the jurisdiction of a regulatory body.

**DATE:** Written comments must be filed by July 2, 1979.

**ADDRESSES:** All filings should reference Docket No. RM79-41 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:**

Michael A. Coleman, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 275-4728.

Bonnie Cord, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 275-0422.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Commission is proposing to amend § 35.14 of its regulations under the Federal Power Act, relating to fuel cost adjustment clauses. Specifically this notice proposes to amend § 35.14(a)(6) to make clear that, where fuel is purchased from company-owned or company-controlled sources, certain cost items may not be included in the fuel cost adjustment clause. The Commission also proposes an amendment to § 35.14(a)(7) to require utilities to file with the Commission as rate schedules all contracts for fuel purchases from company-owned or company-controlled sources, regardless of whether the price is subject to the jurisdiction of a regulatory body.

**Background**

The purpose of § 35.14 is to allow an electric utility's fluctuations in fuel costs to be promptly reflected in its revenues. This is accomplished by means of a fuel cost adjustment clause which allows an electric utility to automatically pass through to its customers changes in the utility's cost of fuel. Because the pass-through is automatic, the administrative proceeding, otherwise necessary to approve the pass-through, is eliminated. The elimination of the administrative proceeding is beneficial to the utility because it reduces the time period between the utility's payment of the increased fuel prices and its recovery of the increase from its customers. It is also beneficial to the utility's customers, the public and the Commission, as well as the utility, in that it eliminates the cost

and burden of additional formal rate proceedings and promptly passes through reductions in fuel costs.

However, because the increased costs may be passed through without prior approval, the Commission has a responsibility to make sure that the utility is purchasing its fuel at reasonable prices and that only allowable costs are recovered through the fuel cost adjustment clause. In order to carry out this responsibility, the Commission has established several mechanisms by which it may monitor and investigate costs recovered through fuel cost adjustment clauses, including: (1) Compliance audits conducted by the Commission's audit staff as part of its regular program of field audits of the books and records of public utilities subject to the Commission's jurisdiction; (2) review and investigation of fuel costs in conjunction with the Commission's analyses of specific proposed wholesale rate changes; and (3) investigations of fuel costs under section 206 of the Federal Power Act instituted either upon complaint or upon the Commission's own motion. Section 35.14(a)(7), in its present form, provides an additional means of monitoring the use of fuel adjustment clauses in that it requires utilities to file with the Commission, in certain cases, contracts governing the utilities' purchases of fuel from an affiliate.

**Summary of the Proposed Regulations**

Section 35.14(a)(6) states in part that "the cost of fossil fuel shall include no items other than those listed in Account 151 of the Commission's Uniform System of Accounts for Public Utilities and Licensees." The purpose of this statement is to make clear that only items which are properly attributable to the cost of the fuel may be included in the fuel cost adjustment clause. Where a utility obtains fuel from an integrated supplier, certain costs incurred by the utility, such as fuel handling, fuel storage and fuel financing, are not includable in Account 151, nor eligible for pass-through in the fuel adjustment clause. The Commission has determined that, likewise, such items are not properly includable in Account 151 where the utility purchases fuel from a non-integrated affiliate, even though the utility is billed for such services. *Southern California Edison Company*, Docket No. E-8570, order issued April 26, 1978. Accordingly, the Commission proposes to amend § 35.14(a)(6) to make clear that where a utility purchases fuel from an affiliate, costs reflecting fuel handling, fuel storage and fuel financing are not includable in Account 151 and

may not be passed through the fuel cost adjustment clause, even though they may be included in the invoice price.

Section 35.14(a)(7), in its present form, provides in part that where a regulatory body has jurisdiction over the price of fuel purchased by a utility from a company-owned or company-controlled source, the cost of fuel so purchased shall be deemed to be reasonable and includable in the fuel adjustment clause. This section further provides that where no regulatory body has jurisdiction over the contracts governing the price of fuel purchases by a utility from an affiliate, the utility must file the contracts with the Commission for Commission acceptance at the time the utility files its fuel clause or modification thereof. In order to further aid the Commission in fulfilling its responsibility to ensure that utilities are purchasing fuel at reasonable prices and that only allowable costs are being passed through in the fuel cost adjustment clause, the Commission proposes to amend § 35.14(a)(7) to require that a utility file contracts governing the price of fuel purchases from company-owned or company-controlled sources, regardless of whether the price is subject to the jurisdiction of a regulatory body.

**Public Comment Procedures**

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, by July 2, 1979.

Each person submitting a comment should include his name and address, identify the notice (Docket No. RM79-41) and give reasons for any recommendations. An original and 14 conformed copies should be filed with the Secretary of the Commission. Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours.

(Federal Power Act, as amended (16 U.S.C. 791 *et seq.*), Department of Energy Organization Act (42 U.S.C. 7107 *et seq.*), E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, the Commission proposes to amend Chapter

I of Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,  
Secretary.

Section 35.14 is amended by revising subparagraphs (6) and (7) of paragraph (a) to read as follows:

**§ 35.14 Fuel cost adjustment clause.**

(a) \* \* \*

(6) The cost of fossil fuel shall include no items other than those listed in Account 151 of the Commission's Uniform System of Accounts for Public Utilities and Licensees. For purposes of Account 151, the invoice price of fuel as that term is used in that Account does not include costs for fuel handling, fuel storage, and fuel financing incurred (i) directly by a utility (rather than by any other person and billed to the utility), or (ii) as part of a purchase from company-owned or controlled sources (as defined in the Commission's Uniform System of Accounts, 18 CFR Part 101, Definitions 5B). The cost of nuclear fuel shall be that as shown in Account 518, except that if Account 518 also contains any expense for fossil fuel which has already been included in the cost of fossil fuel, it shall be deducted from this account. (Paragraph C of Account 518 includes the cost of other fuels used for ancillary steam facilities.)

(7) Where the cost of fuel includes fuel from company-owned or controlled sources (as defined in the Commission's Uniform System of Accounts 18 CFR Part 101, Definitions 5B) that fact shall be noted and described as part of any filing. With respect to the price of fuel purchases from company-owned or controlled sources, the utility company shall file such contracts and amendments thereto with the Commission for its acceptance at the time it files fuel clause or modification thereof. Any subsequent amendment to such contracts shall likewise be filed with the Commission as a rate schedule change and may be subject to suspension under Section 205 of the Federal Power Act. Fuel charges by affiliated companies which do not appear to be reasonable may result in the suspension of the fuel adjustment clause or cause an investigation thereof to be made by the Commission on its own motion under section 206 of the Federal Power Act.

\* \* \* \* \*

[Docket No. RM 79-41]  
[FR Doc. 79-15180 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

**[18 CFR Part 281]**

**Procedures for Evaluating the Economic Practicability and Reasonable Availability of Alternate Boiler Fuel for Large Boiler Facilities; Change of Location of Hearing**

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of change of location of proposed rulemaking hearing.

**SUMMARY:** Notice is hereby given that the location for the Public Hearing to be held in this docket has been changed. In Notice of Proposed Rulemaking issued on May 2, 1979, (44 FR 26894 May 8, 1979) it was announced that the hearing would be held at Room 3200, 941 N. Capitol St., NE., Washington, D.C. 20426. We hereby give notice that the hearing will be held in Room 1003 (Hearing Room A), 1875 Connecticut Ave. (Connecticut & Florida Ave.), Washington, D.C. All other information with respect to the hearing remains unchanged.

**DATE:** Hearing to be held on May 23, 1979.

**ADDRESS:** Room 1003 (Hearing Room A), 1875 Connecticut Ave., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** MaryJane Reynolds, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol St., NE., Room 8000, Washington, D.C. 20426, (202) 275-4283.

Kenneth F. Plumb,  
Secretary.

[Docket No. RM79-40]  
[FR Doc. 79-15179 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of Assistant Secretary for Housing—Federal Housing Commissioner**

**[24 CFR Part 201]**

**Increase in Loan Amount and Term**

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Proposed rule.

**SUMMARY:** The proposed amendment increases the maximum loan amount and term for property improvement loans for multiple dwellings to \$7,500 per dwelling unit with a maximum loan limitation of \$37,500. The term for such loans is increased to 15 years and 32 days. This increase in amount and terms

will allow applicants for multi-family improvement loans to derive more equitable benefits as compared to applicants for loans to improve single-family structures.

**COMMENTS DUE:** July 16, 1979.

**ADDRESS:** All material which persons wish to submit should be sent to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. A copy of each comment will be available for public inspection at this address during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** John L. Brady, Director, Title I Insured and 312 Loan Servicing Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755-8686.

**SUPPLEMENTARY INFORMATION:** A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

Accordingly, Chapter II is proposed to be amended as follows:

**Subpart A—Property Improvement Loans**

1. In § 201.2 paragraph (d)(2) is amended to read as follows:

**§ 201.2 Eligible notes.**

\* \* \* \* \*

(d) \* \* \*

(2) *Maximum maturity.* The maximum permissible maturity of a note evidencing:

\* \* \* \* \*

(A) A Class 1(b) or 2(a) loan is 15 years and 32 days.

\* \* \* \* \*

2. In § 201.3 paragraph (b) is amended to read as follows:

**§ 201.3 Maximum amount of loans.**

(a) \* \* \*

(b) *Class 1(b) loan.* A Class 1(b) loan shall not involve a principal amount, exclusive of finance charges in excess of \$7,500 per dwelling unit in the improved structure and shall not exceed \$37,500.

\* \* \* \* \*

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d); sec. 2, 48 Stat. 1246, (12 U.S.C. 1703) as amended.)

Issued at Washington, D.C., May 7, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing, Federal Housing Commissioner.

[Docket No. R-79-066]

[FR Doc. 79-15231 Filed 5-15-79; 8:45 am]

BILLING CODE 4210-01-M

## Office of the Secretary

### [24 CFR Part 570]

#### Urban Development Action Grants; Transmittal to Congress

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Notice of Transmittal of Interim Rule to Congress under Section 7(o) of the Department of HUD Act.

**SUMMARY:** Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information a rule which the Secretary is submitting to Congress for such review.

**FOR FURTHER INFORMATION CONTACT:** Burton Bloomberg, Director, Office of Regulations Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

#### SUPPLEMENTARY INFORMATION:

Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the rulemaking document described below:

#### 24 CFR Part 570—Subpart G—Urban Development Action Grants

This interim rule would amend 24 CFR Part 570, Subpart G to delete the specific minimum standards of physical and economic distress which small cities must meet. The amended provisions identify broad minimum standards. Specific standards would be published in Notice form as new data became available.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978).

Issued at Washington, D.C. May 10, 1979.

Patricia Roberts Harris,

Secretary, Department of Housing and Urban Development.

[R-79-667]

[FR Doc. 79-13285 Filed 5-15-79; 8:45 am]

BILLING CODE 4210-01-M

### [24 CFR Part 888]

#### Fair Market Rents for New Construction and Substantial Rehabilitation (All Market Areas)

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Notice of Transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

**SUMMARY:** Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information a rule which the Secretary is submitting to Congress for such review.

**FOR FURTHER INFORMATION CONTACT:** Burton Bloomberg, Director, Office of Regulations Office of General Counsel, 451 7th Street, SW, Washington, D.C. 20410 (202) 755-6207.

#### SUPPLEMENTARY INFORMATION:

Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the rulemaking document described below:

#### 24 CFR Part 888—Fair Market Rents for New Construction and Substantial Rehabilitation—All Market Areas Section 8 Projects

This proposed rule would amend 24 CFR Part 888 to revise the fair market rents applicable to new construction and substantial rehabilitation for all market areas pursuant to Section 8(c)(1) of the U.S. Housing Act. The revision reflects changes in the general level of market rents for these types of Section 8 projects which have occurred since the April 1978 revision.

(Sec. 7(o), Department of HUD Act, (42 U.S.C. 3535(o)), sec. 324, Housing and Community Development Amendments of 1978))

Issued at Washington, D.C. May 9, 1979.

Patricia Roberts Harris,

Secretary, Department of Housing and Urban Development.

[Docket No. R-79-065]

[FR Doc. 79-15228 Filed 5-15-79; 8:45 am]

BILLING CODE 4210-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### [24 CFR Part 1917]

#### Proposed Flood Elevation Determinations for the City of Marshall, Minn.; Under the National Flood Insurance Program

**AGENCY:** Office of Federal Insurance and Hazard Mitigation, FEMA.<sup>1</sup>

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations designation described below.

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

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspapers of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, 344 West Main Street, Marshall, Minnesota.

Send comments to: The Honorable Robert Schagol, Mayor of Marshall, Municipal Building, 344 West Main Street, Marshall, Minnesota 56258.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Krimm, National Flood Insurance Program, (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 proposed base (100-year) flood elevations for the City of Marshall, Minnesota, 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).

Zone designations and base (100-year) flood elevations, together with the flood

<sup>1</sup>The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).



plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevation designation are:

Source of Flooding	Location	Elevation in Feet, National geodetic vertical datum
Redwood River	North of East College Drive to Fairview Street, 2,000 feet west of intersection of Route 23 and Route 19 and 68 along East College Drive and 700 feet east of North Third Street; specifically, the intersection of Birch Street and Village Drive.	1,145
	1,900 feet west along Birch Street from above intersection.	1,146
	Intersection of Fairview Street and Village Drive.	1,144
	1,100 feet from above intersection west along Fairview Street.	1,145
	1,600 feet from above intersection west along Fairview Street.	1,146
	Northernmost intersection of corporate limits and North Fourth Street.	1,147
	4,700 feet southwest along Route 23 from intersection with South Fourth Street.	1,174
	5,300 feet southwest along Route 23 from above intersection.	1,175
	6,100 feet southwest along Route 23 from above intersection.	1,176

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

Issued: May 4, 1979.

Gloria M. Jimenez,  
Federal Insurance Administrator.

[Docket No. FI-5478]  
[FR Doc. 79-15084 Filed 5-15-79; 8:45 am]

BILLING CODE 4210-23-M

#### [24 CFR Part 1917]

#### Proposed Flood Zone Designation for Scott County, Minn.; Under the National Flood Insurance Program

**AGENCY:** Office of Federal Insurance and Hazard Mitigation, FEMA.<sup>1</sup>

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed zone designation described below.

This proposed zone designation is the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designation is available for review at the Scott County Courthouse, 428 S. Holmes Street, Shakopee, Minnesota 55379.

Send comments to: Mr. Anthony Worm, Chairman, Scott County Board of Commissioners, Scott County Courthouse, 428 S. Holmes Street, Shakopee, Minnesota 55379.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Krimm, National Flood Insurance Program, (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 proposed zone designation for Scott County, Minnesota, 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).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the

<sup>1</sup> The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rated for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are: 1) A Zone flooding was added along Robert Creek 6000' downstream from the Route 169 crossing to the confluence with the Minnesota River and 4000' upstream along the creek from the cross with Route 169. 2) A Zone flooding was added along Raven Stream 8000' upstream from the confluence with Sand Creek. 3) A Zone flooding was added just southeast from St. Patrick along Route 13. (National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968)), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator (44 FR 20963).

Issued: May 4, 1979.

Gloria M. Jimenez,  
Federal Insurance Administration.  
[Docket No. FI-5479]  
[FR Doc. 79-15085 Filed 5-15-79; 8:45 am]  
BILLING CODE 4210-23-M

#### [24 CFR Part 1917]

#### Proposed Flood Zone Designation for the City of Columbus, Nebr.; Under the National Flood Insurance Program

**AGENCY:** Office of Federal Insurance and Hazard Mitigation, FEMA.<sup>1</sup>

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed zone designation described below.

This proposed zone designation is 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).

<sup>1</sup> The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designation is available for review at the Mayor's Office, 2424 14th Street, Columbus, Nebraska.

Send comments to: The Honorable George Johansen, Mayor of Columbus, 2424 14th Street, Columbus, Nebraska 68601.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Krimm, National Flood Insurance Program, (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 proposed zone designation for the City of Columbus, Nebraska, 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).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designation will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed elevation designations are:

Source of flooding	Location	Elevation
Lost Creek .....	North from County Road over the Burlington Northern and Union Pacific Railroads east of 3rd Avenue, over Route 30 and bears west over 3rd Avenue continuing west over 18th Avenue, mostly north of the corporate limits, and continues west following the creek and filling low lying areas to U.S. Route 81 State Route 22.....	AO Zone (Depth 2 ft)
Lost Creek and street flooding.	West of 32nd Street, north along 33rd Avenue from 20th Street, going west 23rd Street to intersection with U.S. Route 81, State Route 22, and, west from 33rd Avenue along 27th Street over 48th Avenue bearing north past intersection of 32nd Street and 50th Avenue to Lost Creek.....	AO Zone (Depth 2 ft).

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

Issued: April 26, 1979.

Gloria M. Jimenez,  
Federal Insurance Administrator.

[Docket No. FI-5480]

[FR Doc. 79-15088 Filed 5-15-79; 8:45 am]

BILLING CODE 4210-23-M

## ENVIRONMENTAL PROTECTION AGENCY

### [40 CFR Part 52]

#### Approval and Promulgation of Implementation Plans; Nonattainment Area Plan for Utah

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rulemaking.

**SUMMARY:** On January 3, 1979, EPA received the revised Utah State Implementation Plan (SIP). The purpose of the revised SIP is to implement measures designed to attain and maintain the National Ambient Air Quality Standards in the nonattainment areas designated in Utah. The requirements for an approvable nonattainment area SIP are described in a Federal Register notice published on April 4, 1979 (44 FR 20372). This notice describes the nature of the Utah submission and discusses the deficiencies with respect to the

requirements of Part D of the Clean Air Act identified by EPA's review.

**DATE:** Written comments should be submitted on or before June 15, 1979.

**ADDRESSES:** Copies of the SIP revision and EPA's Evaluation Report are available at the following addresses for inspection:

Environmental Protection Agency  
Library, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295.  
Environmental Protection Agency,  
Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Utah State Division of Health, Bureau of Air Quality, 150 West North Temple, Salt Lake City, Utah 84110.

#### WRITTEN COMMENTS SHOULD BE SENT TO:

Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

#### FOR FURTHER INFORMATION CONTACT:

Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

**SUPPLEMENTARY INFORMATION:** On March 3, 1978 (43 FR 8962) and September 11, 1978 (43 FR 40412), pursuant to the requirements of Section 107 of the Clean Air Act, as amended in 1977, EPA designated portions of Utah as nonattainment areas for total suspended particulates (TSP), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), and photochemical oxidants (ozone). A summary of these designations is presented in Table 1. As a result, pursuant to Part D of the Clean Air Act, the State of Utah was requested to revise its SIP by January 1, 1979, to meet specific requirements for the nonattainment areas. In response to these requirements, the Governor of Utah submitted a revised SIP which was received by EPA on January 3, 1979. The State is to be commended for a timely submittal.

The Act presented a complicated set of requirements which had to be met in a short time. This notice cites a number of deficiencies in the State's plan. EPA anticipates that many of these will be corrected prior to final rulemaking and is working closely with the State toward that end.

The Act also specifies that many decisions regarding strategy selection are now to be made at the local governmental level. Establishing a

Table 1.—Utah Non-Attainment Areas

TSP	SO <sub>2</sub>	CO	Ozone
Davis County.....	Salt Lake County.....	Salt Lake City.....	Salt Lake County.....
Salt Lake County.....	Tooele County.....	Bountiful.....	Davis County.....
Utah County.....	Cedar City.....	Ogden.....	Utah County.....
Weber County.....		Provo.....	Weber County.....

The State also needs to clearly indicate that the Executive Secretary may reject stack test data if they are incomplete, inadequate, not representative of the operating conditions specified for the test, or if the State was not provided with an opportunity to have an observer present at the test.

Finally, the sources for which specific particulate emission limitations are established in Section 3.2.1. of the Utah Air Conservation Regulations are exempt from the visible emissions regulations (Section 4.1). This exemption may lead to serious enforceability problems regarding the sources subject to Section 3.2.1. since only stack test data are acceptable to determine compliance with the regulations. The State should revise its visible emissions regulations to include all particulate sources and allow the use of other compliance techniques, such as mass balance calculations, in its enforcement activities.

#### D. Air Quality Surveillance

The State is presently completing its air monitoring network review and intends to meet the requirements of proposed EPA revisions to 40 CFR, Part 58. The final monitoring plan will be developed by January 1, 1980, and will be submitted to EPA as a revision to the SIP.

#### E. Resources

The State has projected the annual resource requirements necessary to carry out the SIP through Fiscal Year 1983. Although there is a commitment for a substantial increase in State funds, there is an even greater increase projected in federal funds. In the event that State and federal funding increases are not available as projected, the SIP may need to be revised.

#### F. Control Strategy—Total Suspended Particulates (TSP)

The State's attainment demonstration for the TSP national standards is inadequate and the control strategy is unapprovable for the following reasons:

1. The emission reductions estimated by 1982 for many sources and used in the attainment demonstration are not supported by enforceable regulations. The most serious example is the lack of specific regulations for the coke oven operations at the U.S. Steel Geneva Works. However, the same deficiency exists with numerous other major sources.

2. The attainment demonstration for short-term (24-hour) TSP standards applied Larsen's Transform to the

process to generate local governmental input to major air quality decisions has been a difficult task. The process established in Utah has been an effective means to develop plans that can be supported and advanced by local governments.

The State's submittal consists of the basic elements contained in the previous SIP and the Air Conservation Regulations enacted by the Utah Air Conservation Committee. Portions of the plan were prepared by associations of local elected officials. The complete local plans were submitted as appendices to the SIP. The Mountainland Association of Governments (MAG) prepared the transportation measures element of the SIP for Utah County and Provo City. Similarly, the Wasatch Front Regional Council (WFRC) prepared the transportation measures element for the Wasatch Front (all or parts of Weber, Davis and Salt Lake Counties). The local elements were prepared and submitted to the State in accordance with agreements between the Air Conservation Committee and local agencies. These agreements, developed pursuant to Section 174 of the Clean Air Act, were also included in the SIP. Finally, the State submitted a detailed Technical Support Document which included diffusion modeling estimates and considerable background information related to the control strategies in the SIP.

On January 25, 1979 (44 FR 5159), EPA published an advanced notice of availability of the Utah SIP revision and invited the public to comment on its approvability. As yet, no comments have been received. EPA has completed its review of the SIP revision with respect to the requirements for an approvable SIP described in a Federal Register notice published on April 4, 1979 (44 FR 20372), the "Checklists for Approval/Disapproval of the 1979 SIP Revisions for Nonattainment Areas," the "Checklist for Review of Transportation Portions of the 1979 SIP Submissions" and the EPA-DOT "Transportation—Air Quality Planning Guidelines."

## I. General Discussion

### A. Legal Authority

Utah has adequate legal authority to implement all Part D SIP requirements except for inspection and maintenance of motor vehicles.

The 1979 General Session of the Utah Legislature passed certain amendments to the Utah Air Conservation Act, including provisions for (1) charging fees to stationary sources to cover permit review and enforcement expenses; (2) disclosing potential conflicts of interest by members of the Utah Air Conservation Committee, and (3) assessing civil penalties against violators of the Air Conservation Regulations. However, the Legislature failed to pass a bill providing for inspection and maintenance of motor vehicles, including an inspection fee for testing pollutants in vehicle exhaust emissions.

### B. Review of New and Modified Sources

Although Utah's new source review program is basically adequate, it does not provide for establishment of specific stack emission limitations as enforceable permit conditions, except in the nonattainment areas of the State. Section 3.1.8.a. of the Utah Air Conservation Regulations requires new sources to apply at least best available control technology (BACT). However, unless BACT is clearly defined in the permit, in a manner which can be evaluated by stack testing and other appropriate techniques, the State's compliance evaluation and enforcement activities may be subject to challenge.

### C. Source Surveillance

The State's revised particulate regulations would allow test methods other than EPA Method 5 for determining compliance with the specific emission limitations, if approved by the Executive Secretary of the Utah Air Conservation Committee. Although EPA recognizes that modifications to Method 5 may be appropriate for some sources, such as the smelter stack at Kennecott and the open hearth furnace stacks at U.S. Steel, such modifications may be used only after the State has requested and received approval from EPA.

predicted annual TSP concentrations for 1982. However, the short-term emission limitations in the SIP generally allow an increase in emissions from the 1977 levels. Although the State has indicated that BACT would be required for sources in nonattainment areas, the applicable New Source Performance Standards and available stack test data were, in most cases, increased by 50% in establishing the short-term emission limitations. Consequently, there could actually be a deterioration of air quality from 1977 design values. As a minimum, the Clean Air Act requires that reasonably available control technology (RACT) be applied to all existing stationary sources. Consequently, in addition to correcting the deficiencies described above, the State must adopt enforceable regulations to control fugitive emissions from process sources, such as the open hearth and blast furnace operations at U.S. Steel the smelting operations at Kennecott and the crushing and screening operations at Heckett.

3. The diffusion model calibration procedures and the determination of background TSP concentrations were not clearly addressed. In addition, the lack of correlation between measured and predicted concentrations of TSP was not adequately explained.

4. The State has requested an 18-month extension to submit a plan for attainment of the secondary standards for TSP. As specified in 40 CFR Part 51.31(c), this request cannot be approved unless the State has demonstrated that control measures in addition to RACT are needed to attain the secondary standards.

#### G. Control Strategy—Sulfur Dioxide (SO<sub>2</sub>)

1. The State's SO<sub>2</sub> control strategy for Salt Lake and Tooele Counties consisted of a regulation which had been previously disapproved by EPA (42 FR 21471), and a request that the nonattainment designation for these counties be changed to unclassified. The redesignation request was denied by EPA on February 13, 1979, and the SO<sub>2</sub> control strategy is, therefore, unapprovable. EPA will shortly repropose a revised SO<sub>2</sub> regulation for the Kennecott smelter and will promulgate a final regulation following final action on the Utah SIP.

2. The State has indicated that the cause of the SO<sub>2</sub> ambient violations in Cedar City has been identified and corrected. No further violations of the SO<sub>2</sub> standards have been recorded. Therefore, this portion of the SIP is approvable.

#### H. Control Strategy—Carbon Monoxide (CO)

Although the basic control measures (computerized traffic signals, carpooling and mass transit-improvements) for CO would contribute to attainment, an inspection/maintenance program in Ogden and Salt Lake City is required to demonstrate attainment of the CO standard by December 1982. Since the legislation necessary to implement this program failed to pass the 1979 General Session of the Utah Legislature, the present control strategy for these areas must be disapproved. The schedule for implementing a mandatory program in these areas by December 31, 1980, and the commitment by the State to establish stringency factors for the program so as to achieve the CO standards by December 31, 1982, would be approved if the State could obtain the necessary legal authority by July 1, 1979. If this authority is obtained, the SIP schedule for implementing the I/M program must be modified based on the enactment date of the enabling legislation. Also, the SIP does not contain a commitment by agencies responsible under the proposed legislation for implementation and enforcement of the I/M program. Such a commitment must be included in the SIP for this control strategy to be approvable. Because attainment of the CO standards in Bountiful can be demonstrated prior to 1982 without the I/M program, the control strategy for Bountiful is approvable.

The DOT has indicated that the ridership increases predicted by the Utah Transit Authority (UTA) are overly optimistic; consequently emission reductions attributed to this measure may not materialize. A commitment to implement the program has nevertheless, been made by UTA. If such ridership increases are not obtained, the SIP must be revised in accordance with the RFP schedule.

#### I. Control Strategy—Photochemical Oxidants (Ozone)

The ozone control strategy and attainment demonstrations for Davis and Salt Lake Counties must be disapproved for the following reasons:

1. As discussed in Section H above, the inspection/maintenance program, which was essential in demonstrating attainment in these counties, cannot be implemented according to the schedule presented in the SIP.

2. The State has not adopted the volatile organic compound (VOC) and Stage II vapor recovery regulations discussed in the SIP. However, the State

did commit to a schedule for developing these regulations and submitting them to EPA. If the State can meet this schedule and the adopted regulations are approvable, EPA will withdraw the proposed disapproval of this control strategy in the final action on the Utah SIP.

3. The State has requested an extension of the attainment date for the ozone standard until 1987. However, since the SIP excludes three reasonably available control measures (road pricing, vehicle idling controls and extreme cold start controls) without proper justification, does not meet the requirements of Section 172(b) (11)(A) of the Clean Air Act regarding new source permits, and no longer has an acceptable inspection/maintenance program, requirements for plans with attainment dates extended past 1982 are not met.

EPA's recent promulgation of a revised ozone standard eliminates the need for control strategies in Utah and Weber Counties. Although the new standard may allow exclusion of some control strategies in Davis and Salt Lake Counties, 1978 ambient data for Salt Lake City indicate significantly higher ozone readings than the design value in the SIP. The State should review its ozone data and control strategies and submit any indicated SIP revisions to EPA during the public comment period for this proposed rulemaking.

#### J. Air Conservation Regulations

1. The particulate emissions limitations (Section 3.2.1) are not approvable for the following reasons:

a. The regulations establish average allowable emissions over the testing cycle, rather than maximum allowable emissions. The language needs to be changed to indicate that the established emission limitation is a maximum never to be exceeded.

b. As discussed earlier, the stack testing requirement allows deviations from EPA Method 5 without concurrences from EPA. In addition, specific test methods need to be developed for determining particulate emissions for sources such as the Kennecott smelter and the open hearth furnaces at U.S. Steel.

c. Some of the specific emission limitations are not enforceable since they establish a single emission rate for multiple emission points. Either specific stack limitations or a grain loading requirement which applies to each stack must be adopted for all sources with more than one stack.

d. As discussed earlier, many of the emission limitations allow short-term

emissions greater than the 1977 levels and could result in a deterioration of existing air quality. RACT must be required for all existing stationary sources

2. The SO<sub>2</sub> emission limitation for the Kennecott smelter (Section 4.3) has previously been disapproved by EPA on April 27, 1977 (42 FR 21471). This regulation does not establish an ultimate emission rate as required by the Clean Air Act Amendments of 1977. Therefore, EPA will proceed with reproposal and promulgation of a revised SO<sub>2</sub> regulation for Utah.

3. The Visible Emission Regulation (Section 4.1) does not apply to stationary sources subject to the specific emission limitations in Section 3.2.1. As discussed earlier, the visible emission requirement should be revised to apply to all stationary sources.

#### K. Miscellaneous Requirements

The Utah SIP contains adequate provisions pertaining to Intergovernmental Cooperation and Prevention of Air Pollution Emergency Episodes. With respect to Prevention of Significant Deterioration, the State is developing a SIP revision in accordance with the requirements published in the Federal Register on July 19, 1978 (43 FR 26380).

Although the SIP contains a commitment by the State to update its emissions inventory on an annual basis, the procedure for demonstration of reasonable further progress (RFP) is discussed only for TSP. The attainment demonstrations for CO consider only present and predicted ambient levels rather than current and expected emissions. This approach makes the tracking of RFP for CO difficult to determine. The SIP must include provisions for the submittal of annual and semi-annual progress reports required to determine whether RFP and compliance schedules are being met.

#### II. Proposed EPA Action

On the basis of the SIP review discussed above, EPA is proposing the following actions on the Utah submittal with respect to the Clean Air Act as amended August, 1977:

##### A. Part D Requirements

1. Section 172(b)(1)—SIP adoption after reasonable notice and public hearing—approvable.

2. Section 172(b)(2)—Provision for implementation of all reasonably available control measures—not approvable except for SO<sub>2</sub> strategy for Cedar City and CO strategy for Bountiful.

3. Section 172(b)(3)—Requirement for reasonable further progress including adoption of RACT—not approvable except for the strategies identified in item 2 above.

4. Section 172(b)(4)—Submittal of a comprehensive, accurate and current inventory of actual emissions from all sources—not approvable for particular matter and hydrocarbon point sources.

5. Section 172(b)(5)—Identification and quantification of pollutant emissions from construction and operation of major new or modified stationary sources—approvable.

6. Section 172(b)(6)—Requiring permits for construction and operations of new or modified major stationary sources in accordance with section 173—approvable.

7. Section 172(b)(7)—Identification and commitment of financial and manpower resources necessary to carry out SIP provisions—approvable for current fiscal year; may require SIP revision in future years.

8. Section 172(b)(8)—Presentation of necessary emission limitations, compliance schedules, and other control measures—not approvable except for the strategies identified in item 2 above.

9. Section 172(b)(9)—Evidence of public, local government, and State legislative involvement and consultation in accordance with Section 174—approvable.

10. Section 172(b)(10)—Written evidence that the State, the general purpose local governments, or regional agencies designated by general purpose local governments for such purpose, have adopted by legally enforceable document, the necessary requirements and schedules for compliance, and are committed to implement and enforce the appropriate elements of the plan—not approvable except for the strategies identified in item 2 above.

11. Section 172(b)(11)—In areas requiring extension of the attainment date beyond December 31, 1982:

(a) Establishment of a permit program which requires an analysis of alternative sites, sizes, production processes and environmental control techniques for proposed new or modified sources and a demonstration that the benefits of the proposed source significantly outweighs its environmental and social costs—not approvable for ozone in Davis and Salt Lake Counties.

(b) Establishment of a specific schedule for implementation of a vehicle emission control inspection and maintenance program—not approvable for ozone in Davis and Salt Lake Counties.

(c) Identification of other measures necessary to provide for attainment of the applicable national ambient air quality standard not later than December 31, 1987—not approvable for ozone in Davis and Salt Lake Counties.

12. Section 173—Permit program requirements—approvable.

13. Section 174—Planning procedures—approvable.

##### B. Non-Part D Requirements

1. Malfunction Regulations—The Utah Air Conservation Regulation 4.7 sets forth malfunction provisions which are to be applied according to criteria very similar to the federal malfunction regulations published at 42 Federal Register 21472 (April 27, 1977). Although the EPA may not fully approve Regulation 4.7 because it exempts certain excess emissions from being violations of the Air Conservation Regulations, EPA does propose to approve Utah's malfunction procedures because the exemptions allowed under Regulation 4.7 result from an exercise of discretion by the Executive Secretary of the Air Conservation Committee. Any exemptions granted through these procedures, however, are not applicable as a matter of Federal law. While EPA reserves the right to enforce against any excess emissions, this EPA discretion would normally be exercised according to and consistent with the criteria specified in Regulation 4.7.

2. Composition of State Boards—Section 128 of the Clean Air Act requires that the majority of a body issuing permits or enforcement orders under the Clean Air Act represent the public interest and not derive a significant portion of their incomes from persons subject to such permits or orders. Section 128 further requires that any potential conflict of interest by members of such board or the head of an executive agency with similar powers be adequately disclosed. EPA considers that the Section 26-24-4, Utah Code Annotated, as amended, fulfills these requirements and proposes to approve the Utah SIP as meeting the requirements of Section 128.

3. Permit Fees—Section 110(a)(2)(K) of the Clean Air Act requires that the owner or operator of each major stationary source pay a fee sufficient to cover reasonable costs of reviewing and acting on its permit application and, if a permit is issued, the reasonable costs of implementing and enforcing any terms or conditions of the permit. EPA considers that Section 26-24-5(18), Utah Code Annotated, as amended, fulfills these requirements and proposes to

approve the Utah SIP as meeting the requirements of Section 110(a)(2)(K).

4. Prohibition of Employee Pay Reduction—Section 110(a)(6) of the Clean Air Act requires that in any case in which a source uses a supplemental or intermittent control system for purposes of meeting the requirements of an order under Section 113(d) or Section 119 (relating to non-ferrous smelter orders), the SIP must provide that the owner or operator of such source may not temporarily reduce the pay of any employee by reason of use of such supplemental or intermittent or other dispersion dependent control system. EPA considers that the Utah Air Conservation Regulation 4.9 fulfills these requirements and proposes to approve the Utah SIP as meeting the requirements of Section 110(a)(6).

Interested persons are invited to comment on the revised Utah SIP and EPA's proposed actions. Comments should be submitted, preferably in triplicate, to the address listed in the front of this notice. Public comments received by (30 days following publication) will be considered in EPA's final decision on the SIP. EPA believes the available period for comments is adequate because:

1. The SIP has been available for inspection and comment since January 25, 1979; and
2. the issues involved in the Utah SIP are sufficiently clear to allow comments to be developed in the available thirty day period; and
3. EPA has a responsibility under the Act to take final action by July 1, 1979, if possible, and a longer period for public comments would make that deadline difficult to meet.

All comments received will be available for inspection at the Region VIII Office 1860 Lincoln Street, Denver, Colorado 80295.

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

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: April 5, 1979.

Alan Merson,  
Regional Administrator.

[FRL-1226-1]  
[FR Doc. 79-15295 Filed 5-15-79; 8:45 am]  
BILLING CODE 6560-01-M

#### [40 CFR Part 52]

### Approval and Promulgation of Implementation Plans—Mass.; Receipt

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Receipt of Implementation Plan.

**SUMMARY:** This notice is to announce the receipt of a State Implementation Plan (SIP) revision for Massachusetts which is available for public review and comment.

Under the requirements of Part D of the Clean Air Act, the State of Massachusetts submitted to EPA on April 13, 1979 a revision to its SIP for certain areas designated as not attaining the National Ambient Air Quality Standards (NAAQS) for Total Suspended Particulates (TSP). As required by the Act, the purpose of this revision is to implement new measures for controlling air pollution and to demonstrate that these measures will provide for attainment of the primary NAAQS for TSP as expeditiously as practicable, but no later than December 31, 1982. A Notice of Proposed Rulemaking describing the revision and EPA's intended approval or disapproval action will be published in the Federal Register at a later date.

**DATES:** See Supplementary Information.

**ADDRESSES:** Copies of the SIP revision are available for inspection at the following addresses: Environmental Protection Agency, Region I, Air Branch, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460; and the Department of Environmental Quality Engineering, Division of Air and Hazardous Materials, 600 Washington Street, Room 320, Boston, Massachusetts 02111.

#### WRITTEN COMMENTS SHOULD BE SENT

**TO:** Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203.

**FOR FURTHER INFORMATION CONTACT:** Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room

1903, Boston, Massachusetts 02203, Telephone: 617/223-5609.

**SUPPLEMENTARY INFORMATION:** On March 3, 1978 (43 FR 8962), and on September 11, 1978 (43 FR 40412), pursuant to the requirements of Section 107 of the Clean Air Act, EPA designated areas in each state as non-attainment with respect to the criteria air pollutants. The non-attainment areas in Massachusetts for TSP are:

Massachusetts	TSP primary	TSP secondary
Berkshire AQCR:		
Adams .....		X
North Adams .....		X
Pittsfield .....		X
Central Massachusetts AQCR:		
Worcester .....	X	
Athol .....		X
Fitchburg .....		X
Merrimack Valley AQCR:-		
Haverhill .....		X
Lawrence .....		X
Pioneer Valley AQCR:		
Springfield .....	X	
Southeastern Massachusetts AQCR:		
Fall River .....		X
Metropolitan Boston AQCR:		
Boston .....	X	
Danvers .....	X	
Cambridge .....		X
Frammingham .....		X
Lynn .....		X
Marblehead .....		X
Norwood .....		X
Medford .....		X
Peabody .....		X
Quincy .....		X
Revere .....		X
Swampscott .....		X
Waltham .....		X

Part D of the Clean Air Act required each state to revise its SIP to meet specific requirements in the non-attainment areas. These SIP revisions were due on January 1, 1979 and must demonstrate attainment of the NAAQS, as expeditiously as practicable, but no later than December 31, 1982. An 18-month extension may be granted for plans to demonstrate attainment of secondary standards for total suspended particulates.

On April 16, 1979 EPA received the revised SIP for Massachusetts and is currently reviewing the revision. The plan addresses strategies for attainment of primary standards for TSP for the City of Worcester, and contains a request for an 18 month extension for plans to demonstrate attainment of secondary standards for TSP. As part of the extension request, redesignation is requested for Boston, Peabody, and Swampscott as unclassified, and Danvers and Springfield as non-attainment for secondary TSP NAAQS. At the completion of this review, a notice will be published in the Federal Register proposing approval or disapproval of the revision.

All interested persons are advised that the proposed revision is available for review at the locations listed, and are invited to comment on its approvability. A file of documents explaining EPA's criteria for approval is also available at EPA offices. The proposed notice referred to above will announce the last day for public comment. This public comment period will end not less than 60 days from this date and not less than 30 days from the published date of EPA's proposal for approval or disapproval.

Dated: April 25, 1979.

Rebecca W. Hanmer,  
Acting Regional Administrator, Region I.

[FRL 1226-6]

[FR Doc. 79-15291 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

#### [40 CFR Part 180]

#### Proposed Tolerance for the Pesticide Chemical Carbaryl

**AGENCY:** Office of Pesticide Programs, Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This notice proposes that a tolerance be established for residues of the insecticide carbaryl on pistachio nuts at 1 part per million. The proposal was submitted by the Interregional Research Project No. 4. This amendment to the regulations would establish a maximum permissible level for residues of carbaryl on pistachio nuts.

**DATE:** Comments must be received on or before June 15, 1979.

**ADDRESS COMMENTS TO:** Mrs. Patricia Critchlow, Office of Pesticide Programs, Registration Division (TS-767), EPA, 401 M Street, SW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Patricia Critchlow at the above address (202/755-4851).

**SUPPLEMENTARY INFORMATION:** The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the Agricultural Experiment Station of California, has submitted a pesticide petition (PP 9E2153) to the EPA. This petition requests that the Administrator propose that 40 CFR 180.169 be amended by the establishment of a tolerance for residues of the insecticide carbaryl (1-naphthyl N-methylcarbamate) including its hydrolysis product 1-naphthol, calculated as 1-naphthyl N-methylcarbamate, in or on the raw

agricultural commodity pistachio nuts at 1 part per million (ppm).

The data submitted in the petition and all other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerance included a two-year rat feeding/oncogenicity study with a no-observed-effect level (NOEL) of 200 ppm; a 1-year dog subchronic feeding study with a NOEL of 400 ppm; a Rhesus monkey teratology study which was negative at 20 milligrams (mg)/kilogram (kg) of body weight (bw), the highest level fed; an 18-month mouse oncogenicity study, negative at 400 ppm; a three-generation rat reproduction study with a NOEL of 200 mg/kg bw/day; a dog teratology study with a NOEL of 3 mg/kg bw. The acceptable daily intake (ADI) in humans is calculated to be 0.1 mg/kg bw/day based on the two-year rat feeding study using a 100-fold safety factor. The maximum permitted intake (MPI) for a 60-kg human has been calculated to be 6 mg/day. Tolerances have previously been established for residues of carbaryl on a variety of raw agricultural commodities at levels ranging from 100 ppm to zero ppm. The theoretical maximal residue contribution (TMRC) for the proposed and existing tolerances is calculated to be 4.6 mg/day.

Carbaryl is a candidate for a rebuttal presumption against registration (RPAR) since it may exceed the risk criteria described in 40 CFR 162.11(a)(3)(ii)(B) for some registered uses. However, the amount of carbaryl added to the diet from the proposed use is too small to substantially increase the risk for humans. Thus, the proposed tolerance is considered to pose a negligible increment in risk.

The nature of the residue is adequately understood and an adequate analytical method (colorimetry) is available for enforcement purposes. No other considerations are involved in establishing the proposed tolerance. There is no problem of secondary residues resulting in eggs, meat, milk, or poultry from the proposed uses since no feed items are involved.

The pesticide is considered useful for the purpose for which a tolerance is being sought, and it is concluded that the tolerance of 1 ppm on pistachio nuts established by amending 40 CFR 180.169 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of

the ingredients listed herein, may request on or before June 15, 1979 that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP9E2153/P109". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Emergency Response Section, Room 315, East Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 10, 1979.

Douglas D. Camp,  
Director, Registration Division.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

It is proposed that Part 180, Subpart C, § 180.169 be amended by alphabetically inserting pistachio nuts at 1 ppm in the table to read as follows:

#### § 180.169 Carbaryl; tolerances for residues.

Commodity:	Parts per million
* * * * *	
Pistachio nuts .....	1
* * * * *	

[FRL 1227-2; PP9E2153/P109]

[FR Doc. 79-15303 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

#### [40 CFR Part 180]

#### Proposed Exemption From the Requirement of a Tolerance for the Pesticide Chemical Sodium Chlorate

**AGENCY:** Office of Pesticide Programs, Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This notice proposes that an exemption from the requirement of a tolerance be established for residues of the pesticide chemical sodium chlorate on dry beans. The proposal was submitted by the Interregional Research Project No. 4. This regulation would obviate the need for a maximum permissible level for residues of sodium chlorate on dry beans.

**DATE:** Comments must be received on or before June 15, 1979.

**ADDRESS COMMENTS TO:** Mrs. Patricia Critchlow, Office of Pesticide Programs, Registration Division (TS-767), EPA,

East Tower, 401 M Street, SW.,  
Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:**  
Mrs. Patricia Critchlow at the above  
address (202/755-4851).

**SUPPLEMENTARY INFORMATION:** The  
Interregional Research Project No. 4 (IR-  
4), New Jersey Agricultural Experiment  
Station, PO Box 231, Rutgers University,  
New Brunswick, NJ 08903, on behalf of  
the IR-4 Technical Committee and the  
Agricultural Experiment Stations of  
California, Minnesota, Michigan, and  
North Dakota, has submitted a pesticide  
petition (PP 9E2149) to the EPA. This  
petition requests that the Administrator  
propose that 40 CFR 180.1020 be  
amended by the establishment of an  
exemption from the requirement of a  
tolerance for residues of the pesticide  
chemical sodium chlorate in or on the  
raw agricultural commodity dry beans  
when used as a desiccant in accordance  
with good agricultural practice.

The data submitted in the petition and  
all other relevant material have been  
evaluated. No chronic data are  
desirable. The Administrator has  
waived the requirement for chronic  
testing for sodium chlorate. Sodium  
chlorate is a strong oxidizing agent and,  
as such, is rapidly reduced in the  
presence of organic material to sodium  
chloride. Since residues on plants  
weather to give final sodium chloride  
residues, there is no chronic hazard to  
humans or domestic animals. This fact  
obviates the necessity for submission of  
chronic testing.

An exemption from the requirement of  
a tolerance has previously been  
established for residues of sodium  
chlorate on a variety of raw agricultural  
commodities. An adequate analytical  
method (colorimetry) is available for  
enforcement purposes, and the  
metabolism of sodium chlorate is  
adequately understood.

Because there is no reasonable  
expectation of finite residues in meat,  
milk, eggs, or poultry and dry beans, the  
acceptable daily intake (ADI) is not a  
consideration in the proposed  
exemption.

The pesticide is considered useful for  
the purpose for which an exemption  
from the requirement of a tolerance is  
sought, and it is concluded that the  
exemption from the requirement of a  
tolerance for residues of sodium  
chlorate on dry beans established by  
amending 40 CFR 180.1020 will protect  
the public health. It is proposed,  
therefore, that the exemption from the  
requirement of a tolerance be  
established as set forth below.

Any person who has registered or  
submitted an application for the  
registration of a pesticide, under the  
Federal Insecticide, Fungicide, and  
Rodenticide Act which contains any of  
the ingredients listed herein, may  
request on or before June 15, 1979 that  
this rulemaking proposal be referred to  
an advisory committee in accordance  
with section 408(e) of the Federal Food,  
Drug, and Cosmetic Act.

Interested persons are invited to  
submit written comments on the  
proposed regulation. The comments  
must bear a notation indicating both the  
subject and the petition/document  
control number, "PP 9E2149/P113". All  
written comments filed in response to  
this notice of proposed rulemaking will  
be available for public inspection in  
Room 315, East Tower, from 8:30 a.m. to  
4 p.m. Monday through Friday.

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 proposed rule has been reviewed,  
and it has been determined that it is a  
specialized regulation not subject to the  
procedural requirements of Executive  
Order 12044.

Dated: May 10, 1979.

Douglas D. Camppt,  
Director Registration Division.

(Sec. 408(e) of the Federal Food, Drug, and  
Cosmetic Act (21 U.S.C. 346a(e)))

It is proposed that Part 180, Subpart D,  
§ 180.1020 be revised to read as follows:

**§ 180.1020 Sodium chlorate; exemption  
from the requirement of a tolerance.**

Sodium chlorate is exempted from the  
requirement of a tolerance for residues  
in or on beans (dry), chili peppers, corn  
fodder, corn forage, corn grain,  
cottonseed, grain sorghum, rice, rice  
straw, safflower seed, sorghum fodder,  
sorghum forage, soybeans, and  
sunflower seeds when used as a  
defoliant, desiccant, or fungicide in  
accordance with good agricultural  
practice in the production of beans, chili  
peppers, corn, cotton, rice, safflower  
seed, sorghum, soybeans, and sunflower  
seeds.

[FRL 1227-4; PP 9E2149/P113]

[FR Doc. 79-15304 Filed 5-15-79; 8:45 am]

BILLING CODE 5590-01-M

## FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

### Intervention in Commission Proceedings

**AGENCY:** Federal Maritime Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Maritime  
Commission desires to adopt a rule to  
delineate standards for intervention in  
formal proceedings and to provide  
guidelines for such participation to  
avoid needless delay and repetition. The  
purpose of this Notice is to solicit  
comments and information from the  
public on the Proposed Rule in order to  
arrive at the most desirable and efficient  
procedure to achieve its purposes.

**DATES:** Comments must be received on  
or before July 2, 1979.

**ADDRESSES:** Comments (original and  
fifteen copies) to: Francis C. Hurney,  
Secretary, Federal Maritime  
Commission, 1100 L Street NW.,  
Washington, D.C. 20573, Telephone:  
(202) 523-5725.

**FOR FURTHER INFORMATION CONTACT:**  
Francis C. Hurney, Secretary, Federal  
Maritime Commission, 1100 L Street  
NW., Washington, D.C. 20573,  
Telephone: (202) 523-5725.

**SUPPLEMENTARY INFORMATION:** The  
Federal Maritime Commission has  
determined that its rule on intervention,  
Rule 72 of the Commission's Rules of  
Practice and Procedure (46 CFR 502.72),  
does not: (1) adequately reflect present  
Commission practice; (2) contain  
sufficient delineation of the relevant  
legal standards as to the right of parties  
to intervene in agency proceedings; and,  
(3) allow for sufficient agency control of  
the extent of intervenors' participation  
as warranted and appropriate by the  
circumstances of a particular  
proceeding. It is the Commission's  
intention to ensure that all legitimate  
interests affected by agency proceedings  
will be adequately and fairly  
represented, and provide mechanisms  
that will enable the Commission to  
expeditiously dispose of pending  
proceedings by ensuring that  
intervention will not become a vehicle  
for delay.

It is proposed that the standards on  
intervention enunciated in Rule 24 of the  
Federal Rules of Civil Procedure (Fed.  
Rules of Civ. Pro. 24) be adopted by the  
Commission to the extent appropriate.  
Recent court decisions indicate that  
these standards must apply in agency  
rulings on petitions for intervention.  
*PepsiCo, Inc v. Federal Trade  
Commission*, 472 F.2d 179 (2nd Cir.,



1972), *cert. den.* 414 U.S. 876. Therefore, it is proposed that the standards of Rule 24 of the Federal Rules of Civil Procedure be adopted by the Commission to the extent that they can be applied.

Paragraph (a) of the proposed rule recites the requirements contained in the existing Commission rule as to the form and procedure for submitting petitions for intervention.

Paragraph (b) recites the standards by which petitions for intervention will be considered. This provision would require those submitting petitions for intervention to indicate whether they seek intervention as a matter of right or whether their petition addresses the discretion of the agency. It is also proposed that petitioners indicate the extent to which their proposed intervention is necessary, *i.e.*, discovery, presentation of evidence, etc., and the justification therefor. This requirement will ensure that the grounds relied upon for intervention are considered under the proper legal standard and should, thereby, serve to expedite the Commission's decisionmaking process. Where intervention as a matter of right is claimed the proposed rule would require that petitioners make a convincing showing that they have an interest relating to the matter which is the subject of the proceeding and that the proceeding may materially affect that interest, and that such interest is not adequately represented by existing parties to the proceeding.

If permissive intervention is sought, the petitioner must show that its interests involve a common issue of law or fact with the matter being litigated, its intervention will not unduly broaden or delay the proceeding, duplicate the positions of, or prejudice existing parties, and its participation will contribute to the proceeding in some significant way.

In consideration of all petitions for intervention timeliness is made an important factor in that the primary countervailing consideration to intervention is the possibility of delay and prejudice to the rights of existing parties.

Paragraphs (c), (d), (e) and (f) of the proposed rule provide the mechanisms by which control over the extent of intervention will be exercised in those cases where petitions are granted but where it is deemed that full intervention is not necessary. In this regard while the Commission recognizes that liberal accommodation of public participation in agency proceedings is beneficial, this consideration must be counterbalanced with the due process rights of existing

parties by the expeditious disposition of pending proceedings. Accordingly, a new paragraph (c) has been added to permit limited intervention. Thus, interventions could be limited to the presentation of evidence on factual issues and/or the submission of *amicus curiae* briefs on selected legal issues. Continuing supervisory control over such participation is also provided.

Paragraph (d) incorporates the existing Commission rule on the limitation of discovery rights for late intervenors.

Paragraph (e) is intended to make clear that discovery may be limited in the same manner as the extent of participation in the formal hearings or other proceedings on the record.

Paragraph (f) allows for review by the Commission of intervention rulings by the presiding officer.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a), § 502.72 of Title 46 CFR is proposed to be revised as follows:

#### § 502.72 Petition for intervention.

(a)(1) A petition for leave to intervene may be filed in any proceeding and shall be served pursuant to section 502.114. Sufficient copies of the petition shall be provided for distribution to the existing parties to the proceeding together with fifteen (15) copies for the use of the Commission as required by section 502.118. Upon request, the Commission will furnish a service list to any member of the public pursuant to Part 503 of these rules.

(2) The petition shall set forth the grounds for the proposed intervention and the interest and position of the petitioner in the proceeding and shall comply with the other applicable provisions of Subpart H of this part, and if affirmative relief is sought, the basis for such relief. Such petition shall also indicate the nature and extent of the participation sought, *e.g.*, the use of discovery, presentation of evidence and examination of witnesses.

(b)(1) In the absence of an absolute statutory right of intervention, petitions for intervention as a matter of right will only be granted upon a clear and convincing showing that:

(i) The petitioner has a substantial interest relating to the matter which is the subject of the proceeding warranting intervention; and

(ii) The proceeding may, as a practical matter, materially affect the petitioner's interest; and

(iii) The interest is not adequately represented by existing parties to the proceeding.

(2) Petitions for intervention as a matter of Commission discretion may be granted only upon a showing that:

(i) A common issue of law or fact exists between the petitioner's interests and the subject matter of the proceeding; and

(ii) Petitioner's intervention will not unduly delay or broaden the scope of the proceeding, prejudice the rights of or be duplicative of positions of any existing party; and

(iii) The petitioner's participation may reasonably be expected to assist in the development of a sound record.

(3) The timeliness of the petition will also be considered in determining whether a petition will be granted under paragraphs (b)(1) or (2) of this section. If filed after hearings have been closed, a petition will not ordinarily be granted.

(c) In the interests of: (1) restricting irrelevant, duplicative, or repetitive discovery, evidence or arguments; (2) having common interests represented by a spokesperson; and (3) retaining authority to determine priorities and control the course of the proceeding, the presiding officer, in his discretion, may impose reasonable limitations on an intervenor's participation, *e.g.*, the filing of *amicus curiae* briefs, presentation of evidence on selected factual issues, or oral argument on some or all of the issues.

(d) Absent good cause shown, any intervenor desiring to utilize the procedures provided by Subpart L must commence doing so no later than 15 days after its petition for leave to intervene has been granted. If the petition is filed later than 30 days after the date of publication in the Federal Register of the Commission's Order instituting the proceeding or notice of complaint filed, petitioner will be deemed to have waived his right to utilize such procedures, unless good cause is shown for the failure to file the petition within the 30-day period. The use of Subpart L procedures by an intervenor whose petition was filed beyond the 30-day period described above will in no event be allowed, if, in the opinion of the presiding officer, such use will result in delaying the proceeding unduly.

(e) If intervention is granted before or at a prehearing conference convened for the purpose of considering matters relating to discovery, the intervenor's discovery matters may also be considered at that time, and may be limited under the provisions of paragraph (c) of this section.

(f) In addition to the right of appeal upon the denial of a petition for intervention provided by § 502.227(b), any party adversely affected by the disposition of a petition for intervention may appeal such decision to the Commission provided such appeal is filed no later than fifteen days after the service of the ruling. The Commission on its own motion may review any ruling on a petition for intervention within twenty (20) days of the effective date thereof.

By the Commission.

Francis C. Hurney,  
Secretary.

[General Order No. 18; Docket No. 79-49]

[FR Doc. 79-15178 Filed 5-15-79; 8:45 am]

BILLING CODE 6730-01-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[49 CFR Part 71]

#### Standard Time Zone Boundary in the State of Alaska; Proposed Relocation

**AGENCY:** Department of Transportation (DOT).

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Department of Transportation proposes to relocate the boundary between the Pacific Standard and Yukon Standard Time Zones in the State of Alaska; the relocation would move the City and Borough of Juneau, Alaska, and certain other Northern Panhandle Communities from the Pacific to the Yukon zone. This move has been requested by the governing body of Juneau.

**DATES:** Public hearing—Thursday, June 7, 1979, 2:00 to 4:00 PM, and reconvening at 6:00 PM PDT.

Comment closing date: July 16, 1979.

Proposed effective date: 2 a.m. PDT, Sunday, September 2, 1979.

**ADDRESS:** Send comments to: Docket Clerk, OST Docket No. 9, Office of the General Counsel, C-50, Department of Transportation, Washington, D.C. 20590.

The hearing will be held at the Alaska Court Building, 4th and Main, Juneau, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Jack Lusk, Office of the General Counsel, C-50, Department of Transportation, Washington, D.C. 20590, (202) 426-4723

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 4 of the Uniform Time Act of 1966 (15 U.S.C. 261 "the Act") the Secretary of Transportation has the authority to modify the boundaries between time zones in the United States

to move an area from one time zone to another. The Act's standard for such rulemakings is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce." The Assembly of the City and Borough of Juneau has formally requested that the City and Borough be moved from the Pacific to the Yukon zone.

The State of Alaska is in four of the eight time zones that were formally recognized under the Act and that span the United States. From east to west the four are Pacific, Yukon, Alaska-Hawaii, and Bering. Juneau, the capital city of Alaska, has been in the Pacific Zone since 1937. There is currently a difference of three hours between Nome, in the Bering zone, and Juneau; there is a two-hour difference between the Anchorage-Fairbanks region, in the Alaska-Hawaii Zone, and Juneau. A determination by DOT granting the request of the Juneau Assembly would have the effect of moving Juneau and the area to the north of the city, reaching to the eastern edge of the Yukon Time Zone boundary, one hour closer to these major cities.

#### Public Comments Requested

Before taking action to adopt, deny, or modify the proposal, DOT will consider the views of interested persons. Comments should be submitted in writing to the address shown above. All comments received by the comment closing date provided above will be considered and will be available for public inspection and copying in the Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Room 10421, Nassif Building, 400 Seventh Street, SW., Washington, D.C., between the hours of 9 AM and 5:30 PM local time, Monday through Friday except Federal holidays.

Because the proposed move would also potentially impact areas to the north and south of Juneau, DOT is particularly interested in receiving comments from residents of those localities and other persons on whether the change should be made and, if so, whether areas in addition to Juneau should be included in the change.

To facilitate the receipt of comments by persons in the affected area, a representative of DOT will conduct a public hearing in Juneau on Thursday, June 7, 1979, from 2 to 4 PM PDT and reconvening at 6 PM PDT in the Alaska Court Building, Juneau, Alaska. The hearing, which will be electronically recorded, will last approximately four hours; in the interest of providing

opportunity for as many people to speak in that period as wish to, each speaker will be limited to ten minutes, in which to present his/her views. Those interested in testifying should submit their name and address to LCDR Douglas Smith, 612 Willoughby Ave., Juneau, Alaska 99802, (907) 586-7398.

#### The Proposal

In consideration of the foregoing, it is proposed to amend § 71.11 of title 49, Code of Federal Regulations, (49 CFR 71.11) to read as follows:

#### § 71.11-1 Boundary line between Yukon and Pacific zones.

\* \* \* \* \*

*Alaska.* Beginning at boundary peak No. 79 on the Alaska/Canadian border line at North 58°57'44.96" latitude and West 133°10'13.94" longitude; thence southwesterly along the northerly boundary of the City and Borough of Juneau on a straight line to Point Coke near Holkham Bay in Stevens Passage at North 57°47'30" latitude and West 134°42' longitude; thence continuing on the projection of said straight line to the mid-channel of Stevens Passage; thence southerly along the mid-channel of Stevens Passage and extension thereof to the mid-channel of Frederick Sound; thence southwesterly along the midchannel of Frederick Sound and extension thereof to the mid-channel of Chatham Strait also being on the easterly line of the City and Borough of Sitka; thence northerly along the easterly boundary of the City and Borough of Sitka along the mid-channel of Chatham Strait until the mid-point of a line drawn between East Point and South Passage Point at the mouth of Tenakee Inlet bears due west; thence northwesterly along the northerly boundary of the City and Borough of Sitka along the midchannel of Tenakee Inlet until an intersection is made with the line of mean high tide at the extreme northerly end of Tenakee Inlet; thence on a line bearing South 23°30' West more or less, but in any event until the extreme southeasterly point of the mean high tide line at the southeasterly point of Lisianski Inlet is reached; thence on a line bearing approximately due west until Star Rock off the mouth of Lisianski Strait is reached being the northwesterly corner of the City and Borough of Sitka; thence due west until an intersection is reached with 137° West longitude.

(Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-67); section 6(e)(5), Department of Transportation Act (49 U.S.C. 1655(d)(5)); section 1.59(a), Regulations of the Office of the Secretary of Transportation (49 CFR 1.59)(a).)

Note.—The Office of the Secretary has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures published in the Federal Register on February 26, 1979 (44 FR 11034). Furthermore, the economic impact of the proposed regulation is so minimal that a full Regulatory Evaluation is not warranted.

Issued in Washington, D.C., on May 11, 1979.

John G. Wofford,

*Deputy General Counsel.*

[OST Docket No. 9; Notice 79-7]

[FR Doc. 79-15284 Filed 5-15-79; 8:45 am]

BILLING CODE 4910-62-M

# Notices

Federal Register

Vol. 44, No. 96

Wednesday, May 16, 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

### Federal Grain Inspection Service

#### Termination of Official Services; Replacement Agency Not To Be Designated for the Corpus Christi, Tex., Area

**AGENCY:** Federal Grain Inspection Service.

**ACTION:** Notice.

**SUMMARY:** This notice announces that a replacement agency will not be designated to provide official services in the Corpus Christi, Texas, area. The Corpus Christi Grain Exchange, Corpus Christi, Texas, the agency formerly providing official services in the Corpus Christi area, was not eligible for designation under the terms of the United States Grain Standards Act, as amended, and allowed its official agency status to terminate midnight, November 19, 1978.

**EFFECTIVE DATE:** May 16, 1979.

#### FOR ADDITIONAL INFORMATION CONTACT:

J. T. Abshier, U.S. Department of Agriculture, Federal Grain Inspection Service, Compliance Division, 1400 Independence Avenue, S.W., Room 20405, Auditors Building, Washington, D.C. 20250, (202) 447-8262.

**SUPPLEMENTARY INFORMATION:** Public Law 94-582, enacted in 1976 to amend the United States Grain Standards Act (7 U.S.C. 71 *et seq.*, hereinafter the "Act"), provides in Section 27 that any interior inspection agency providing service on November 20, 1976, the date on which the amended Act became effective, could continue to do so without a designation until the expiration of a period as determined by the Administrator, but not to exceed 2 years after the Act's effective date (7 U.S.C. 74 note).

The Corpus Christi Grain Exchange (Exchange), Corpus Christi, Texas, was

advised on November 15, 1977, that conflicts of interest, as defined by Section 11(b) of the Act (7 U.S.C. 87(b)), existed in their agency. The Exchange did not submit a proposal to effect a satisfactory resolution of these conflicts of interest and therefore was ineligible for designation as an official agency.

The January 31, 1979, issue of the **Federal Register** (44 FR 6167-6168) announced that because the Exchange was not eligible for designation under the terms of the amended Act, their designation terminated midnight, November 19, 1978, in accordance with section 27 of Pub. L. 94-582 (7 U.S.C. 74 note).

The Administrator of the Federal Grain Inspection Service (FGIS) is authorized, under the provisions of the Act, to provide official inspection service at locations where it is determined official inspection is needed (7 U.S.C. 79(f)(1)). There have been no applications for the Exchange to perform official inspection services since October 1977. Members of the grain trade and other interested parties were given until April 2, 1979, to comment on the need for continuing official inspection services in the Corpus Christi area; and subject to a final determination by the Administrator as to the need, make application for designation to operate as an official agency at other than export port locations in the Corpus Christi, Texas, area.

No comments were received concerning the need for continuing official inspection services at other than export port locations in the Corpus Christi, Texas, area.

In addition, no requests for applications for designation were made regarding the January 31, 1979, notice.

By reason thereof and after due consideration of all relevant matters and information available to the U.S. Department of Agriculture, the Administrator, Federal Grain Inspection Service, has determined that at this time a replacement agency will not be designated to provide official services at other than export port locations in the Corpus Christi, Texas, area.

This action does not preclude any future application for designation as an official agency if it can be established that there is a need for official services

at other than export port locations in the Corpus Christi, Texas, area.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 13, Pub. L. 94-582, 90 Stat. 2880 (7 U.S.C. 87); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note))

Done in Washington, D.C. on May 10, 1979.

D. R. Gallart,

*Acting Administrator.*

[FR Doc. 79-15247 Filed 5-15-79; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Umpqua National Forest; Finding of No Significant Impact, Control the Spread of Tansy Ragwort (*Senecio jacobaeae*) on the Diamond Lake Ranger District

An Environmental Assessment that discusses vegetative management on the Diamond Lake Ranger District involving the spraying of tansy ragwort on 50 acres has been prepared. All proposed treatment areas are located on lands administered by the Umpqua National Forest within Douglas County, Oregon. The report is available for public review at the Diamond Lake Ranger District Office and the Umpqua National Forest Office in Roseburg, Oregon.

This project involves hand application with a pack sprayer of Banvel on 50 acres of forest land for the purpose of slowing down the spread of tansy ragwort, a poisonous plant to livestock. The Environmental Assessment does not indicate this is a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

This determination was based upon consideration of the following factors which are discussed in detail in the Environmental Assessment: (a) the compound is approved by the Environmental Protection Agency for use; (b) there will be no irretrievable loss of resources on the project area; (c) the physical and biological effects are limited to the project area; (d) no known threatened or endangered plants or animals have been recorded or observed within the project area.

Some public concern exists over the use of any chemical and the effects it has on water quality. The proposed project includes application measures

designed to protect nontarget areas and the water quality. State and Federal water quality standards will be met.

No action will be taken prior to June 15, 1979.

The responsible official is R. D. Swartzlender, Forest Supervisor, Umpqua National Forest, P. O. Box 1008, Roseburg, Oregon 97470

Dated: May 4, 1979.

R. D. Swartzlender,

Forest Supervisor.

[FR Doc. 79-15183 Filed 5-15-79; 8:45 am]

BILLING CODE 3410-11-M

### Tree Release and Site Preparation Projects; Finding of no Significant Effect

An Environmental Assessment that discusses a proposed Tree Release and Site Preparation project using the herbicides 2, 4-D, Atrazine and Dalapon on the Pine Ranger District, Wallowa-Whitman National Forest is available for review at the Pine Ranger District Office, Halfway, Oregon.

The Environmental Assessment does not indicate this will be a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

The decision was based upon consideration of the following factors:

- Project will have no adverse, long term impacts on the ecosystem.
- No irreversible or irretrievable commitments or losses of resources.
- No known threatened or endangered plants or animals within the affected area.

The project will involve the treatment of 12-foot wide strips and 5-foot diameter spots within a 350-acre area.

Use of 2,4-D, Atrazine and Dalapon with Federal and State regulations and label instructions will provide controls which will guarantee protection of human health and welfare.

No public concern has been expressed about the proposed project.

No action will be taken prior to 30 days from the date this finding is published in the **Federal Register**.

The responsible official is Dennis Holthus, District Ranger, Pine Ranger District, Wallowa-Whitman National Forest, Halfway, Oregon 97834.

Dated: May 1, 1979,

Dennis Holthus,

District Ranger.

[FR Doc. 79-15184 Filed 5-15-79; 8:45 am]

BILLING CODE 3410-11-M

### CIVIL AERONAUTICS BOARD

#### Air New England; Temporary Subsidy Rate Revised

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Summary of Order 79-5-92 which proposes to revise Air New England's temporary subsidy rate upward from \$3.8 million to \$4.7 million.

**SUMMARY:** On March 16, 1979, Air New England petitioned the Board to amend upward its subsidy rates on both a temporary and final basis. In support of its request, Air New England stated that it has been adversely affected by the effects of inflation on its costs, confronting the carrier with a serious cash flow problem. The adopted order tentatively provides Air New England with some relief, though not to the extent requested.

**FOR FURTHER INFORMATION CONTACT:** John R. Hokanson or James Craun, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5132.

The complete text of Order 79-5-92 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-5-92 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, May 10, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-15238 Filed 5-15-79; 8:45 am]

BILLING CODE 6320-01-M

#### Alberta Northern Airlines Ltd.; Small Aircraft Charter Permit

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order to Show Cause: Order 79-5-94.

**SUMMARY:** The Board proposes to approve the following application:

**APPLICANT:** Alberta Northern Airlines Ltd.

**APPLICATION DATE:** December 26, 1978  
Docket: 34317.

**AUTHORITY SOUGHT:** Small aircraft charter permit to operate between the United States and Canada.

**OBJECTIONS:** All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall,

no later than June 5, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Canada in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

**ADDRESSES FOR OBJECTIONS:** Docket 34317, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Alberta Northern Airlines Ltd., c/o Robert Carruthers, Calgary International Airport, Calgary, Alberta T2P2G3.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

**FOR FURTHER INFORMATION CONTACT:** C. Robert Mallalieu, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5407.

By the Civil Aeronautics Board, May 10, 1979.

Phyllis T. Kaylor,

Secretary.

[Docket 34317; Order 79-5-94]

[FR Doc. 79-15239 Filed 5-15-79; 8:45 am]

BILLING CODE 6320-01-M

#### Allegheny Airlines; Chicago-Cleveland; Chicago-White Plains and Burlington, Vt.-Chicago Nonstop Authority

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order to Show Cause (Order 79-5-84).

**SUMMARY:** The Board is proposing to grant Chicago-Cleveland, Chicago-White Plains and Burlington, Vt.-Chicago nonstop authority to Allegheny Airlines and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

**DATES:** Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions, shall file, by June 14, 1979, with the Board and serve upon Allegheny Airlines, American Airlines and Northwest Airlines a statement of objections,

together with a summary of testimony, statistical data and such evidence expected to be relied upon to support the statement of objections.

**Additional Data:** All existing would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than May 30, 1979.

**ADDRESSES:** Objections should be filed in Docket 35519, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

**FOR FURTHER INFORMATION CONTACT:** Thomas G. Chew, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-6067.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 79-5-84 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-5-84 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, May 10, 1979.

Phyllis T. Kaylor,  
Secretary.

[Docket 35519; Order 79-5-84]

[FR Doc. 79-15237 Filed 5-15-79; 8:45 am]

BILLING CODE 6320-01-M

### **Braniff Airways, et al.; Dallas/Fort Worth-Phoenix Nonstop Authority**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order to Show Cause (79-5-79).

**SUMMARY:** The Board is proposing to grant Dallas/Fort Worth-Phoenix nonstop authority to Braniff Airways, Hughes Airwest, Ozark Air Lines, Piedmont Aviation and Western Air Lines and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

**DATES:** Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, not later than June 14, 1979, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

**Additional Data:** All existing and would-be applicants who have not filed (a) illustrative service proposals, (b)

environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than May 30, 1979.

**ADDRESSES:** Objections or Additional Data should be filed in Docket 35517 Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

**FOR FURTHER INFORMATION CONTACT:** Philip J. Reinke, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C., 20428, (202) 6763-5349.

**SUPPLEMENTARY INFORMATION:** Objections or additional data should be served upon the following persons: American Airlines, Braniff Airways, Delta Air Lines, Hughes Airwest, Ozark Air Lines, Piedmont Aviation, Western Air Lines, the Mayors of Phoenix, Dallas and Ft. Worth, the Texas Aeronautics Commission, the Division of Aeronautics of the Arizona Department of Transportation and the Airport Managers of Sky Harbor International and Dallas/Ft. Worth Regional Airports.

The complete text of Order 79-5-79 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-5-79 to the Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

By the Civil Aeronautics Board, May 10, 1979.

Phyllis T. Kaylor,  
Secretary.

[Docket 35517; Order 79-5-79]

[FR Doc. 79-15235 Filed 5-15-79; 8:45 am]

BILLING CODE 6320-01-M

### **Ozark Air Lines, et al.; California-Denver Nonstop Authority**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order 79-5-80.

**SUMMARY:** The Board is proposing to grant California-Denver nonstop authority to Ozark Air Lines, Hughes Airwest, TWA and Pacific Southwest Airlines and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

**DATES:** Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, not later than June 15, 1979, a statement of objection together with a summary of the testimony, statistical data, and other

material expected to be relied upon to support the stated objections.

**ADDITIONAL DATA:** All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than May 31, 1979.

**ADDRESSES:** Objections or Additional Data should be filed in Docket 34303, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

**FOR FURTHER INFORMATION CONTACT:** Lawrence R. Intravia, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington, D.C. 20428; (202) 673-6067.

**SUPPLEMENTARY INFORMATION:** Objections should be served upon the following persons: Ozark Air Lines, Hughes Airwest, Pacific Southwest Airlines, Trans World Airlines, the California Public Utilities Commission and the city of Long Beach, California.

The complete text of Order 79-5-80 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-5-80 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, May 10, 1979.

Phyllis T. Kaylor,  
Secretary.

[Docket 34303; Order 79-5-80]

[FR Doc. 79-15236 Filed 5-15-79; 8:45 am]

BILLING CODE 6320-01-M

### **United Air Lines, Inc.; Order Granting Exemption**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of May, 1979.

By application filed March 19, 1979, pursuant to section 416(b) of the Federal Aviation Act of 1978, United Air Lines, Inc. (United) requests a blanket exemption from section 403 of the Act to the extent necessary to enable it to provide alternate transportation on scheduled service to certain charter passengers of other carriers for a one-year period. The transportation would be applicable only to emergency situations, including mechanical problems, weather difficulties, late delivery of aircraft, and similar problems. United would charge the charter rate.

In support of its application, United alleges that over an extended period of

time it has been granted authority in emergency situations to transport other carriers' charter passengers on its scheduled service. Nevertheless, it must still collect the applicable coach fare until special authorization is granted, at which time United refunds the difference between the coach fare and the pro rata charter rate. United contends that the requested blanket authority would alleviate the accounting workload, save it and the Board's time in processing continual requests, and generally promote the efficient handling of charter passengers when emergency circumstances arise which require their placement on scheduled service. In addition, the carrier states that the proposed exemption is not a "part charter" since no travel agent or charter operator is selling tickets on United's service, and stresses that the authority would be expressly limited to transportation of other carriers' charter passengers, at the other carriers' request, and only in emergency situations.

Trans International (TIA) has answered in support of United's request and requests that the authority be granted to all U.S. and foreign-flag route carriers.

The Board will grant the requested exemption authority and expand it to cover all scheduled domestic and foreign-flag carriers. During calendar year 1978, 195 individual requests involving 25,904 passengers were approved. The administrative relief and resultant cost savings for both the carriers and the Board will be significant. Moreover, this authority will minimize confusion and inconvenience by eliminating the unnecessary delay involved by having to seek routine Board approval on a case-by-case basis for emergency situations. We will only require the carriers to file with the Board's Docket Section monthly reports relating to the number of charter passengers carried, the reason for the emergency transportation on scheduled service, and/or the type of emergency situation. Subject to this requirement, we find that grant of this exemption authority is consistent with public interest.

Accordingly, under the Federal Aviation Act of 1958, and particularly section 416(b),

1. We exempt all scheduled certificated air carriers and foreign air carriers from the provisions of section 403 of the Federal Aviation Act of 1958 and Part 221 of the Board's Economic Regulations, insofar as the enforcement of section 403 and Part 221 would prevent them from providing emergency

transportation to the passengers as described in Docket 35084; and

2. We will serve a copy of this order on all certificated air carriers and foreign air carriers.

This order will be published in the **Federal Register**.

By the Civil Aeronautics Board,  
Phyllis T. Kaylor,  
Secretary.

[Docket 35084; Order 79-5-89]  
[FR Doc. 79-15240 Filed 5-15-79; 8:45 am]  
BILLING CODE 6320-01-M

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

#### Proposed Foreign-Trade Zone— Duluth, Minn.; Application Filed

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Seaway Port Authority of Duluth (the Port Authority), a public corporation of the State of Minnesota, requesting authority to establish a general-purpose foreign-trade zone within the 120-acre Arthur M. Clure Public Marine Terminal in the City of Duluth, within the Duluth Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the Regulations of the Board (15 CFR Part 400). It was formally filed on May 10, 1979. The applicant is authorized to make this proposal under Section 458.192(13) of the Minnesota Statutes.

The zone would cover 40,000 square feet of space in the western section of the port-owned terminal on Lake Superior. The construction of a 10,000 square foot general-purpose warehouse facility is planned. Future development of a larger zone facility will depend upon the type and extent of interest by port users.

The application contains economic data and information concerning the need for a zone in the Duluth area. Several firms have indicated their interest in using the proposed zone for activities ranging from storage and distribution to assembly and light manufacturing. Among the initial zone users will be firms involved with recreational vehicles, heavy equipment, clothing, electronic modules, microwave ovens, and specialized grass seed.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh J. Dolan (Chairman) Office of the

Secretary, U.S. Department of Commerce, Washington, D.C. 20230; Robert W. Nordress, District Director, U.S. Customs Service, 209 Federal Building, Duluth, Minnesota 55802; and Colonel Forrest T. Gay III, District Engineer, U.S. Army Engineer District St. Paul, 1135 USPO and Customs House, St. Paul, Minnesota 55101.

Comments on the proposed zone are invited in writing from interested persons and organizations. While a public hearing is not being scheduled, consideration will be given to requests for such a hearing. Comments and requests should be addressed to the Board's Executive Secretary at the address below and postmarked on or before June 11, 1979.

A copy of the Port Authority's application is available for public inspection at each of the following locations:

Office of the District Director, U.S. Customs Service, 209 Federal Building, Duluth, Minnesota 55802.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Streets, N.W., Washington, D.C. 20230.

Dated: May 11, 1979.

John J. Da Ponte, Jr.,  
Executive Secretary.

[Docket No. 4-79]  
[FR Doc. 79-15197 Filed 5-15-79; 8:45 am]  
BILLING CODE 3510-25-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### USAF Scientific Advisory Board; Meeting

May 8, 1979.

The USAF Scientific Advisory Board Ad Hoc Committee on Air Force Logistics Command's Long-Range Computer Systems Planning will meet on June 7 and 8, 1979 at Kelly Air Force Base, Texas. The purpose of the meeting is to review ALC inputs to AFLC long-range computer system planning. The Committee will meet from 12:00 n. to 5:30 p.m. on June 7 and from 8:00 a.m. to 2:00 p.m. on June 8.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

Carol M. Rose,  
Air Force Federal Register, Liaison Officer.  
[FR Doc. 79-15411 Filed 5-15-79; 8:45 am]  
BILLING CODE 3910-01-M

**Army Corps of Engineers****Supplement to Final Environmental Impact Statement; Intent**

Notice of intent to prepare a Supplement to the Final Environmental Impact Statement (FEIS) for the Proposed *Manteo (Shallowbag) Bay, North Carolina* Project.

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

**ACTION:** Notice of Intent to Prepare a Supplement to a Final Environmental Impact Statement (FEIS).

**SUMMARY:** 1. The proposed action involves deepening the Ocean Bar Channel, the Manteo-Oregon Inlet Channel from the inlet to the side channel to Wanchese and the side channel to Wanchese, enlarging and deepening the basin at Wanchese, and maintaining Old House Channel. In addition, Oregon Inlet will be stabilized with a dual jetty system including means for sand transfer to the downdrift beach, and bottom protection for the Bonner Bridge across Oregon Inlet. Dredging activities are to be accomplished primarily by hydraulic pipeline dredge. This project is located in Dare County, North Carolina.

2. The alternatives to the project are a modified version of the authorized project plan, maintaining the existing project with improvements to Wanchese Harbor, abandonment of the existing project and no action.

3.a. We are inviting the participation of affected Federal, State and local agencies, and other interested private organizations and parties.

3.b. More information on the construction access channel, alignment of the jetties, long term maintenance of Old House and Wanchese to Albermarle Sound Channels, the sites of dredged material disposal for the Oregon Inlet to Wanchese Channel, cultural resources and endangered species will be given. Revisions and changes to the project will be discussed.

3.c. The National Park Service, U.S. Fish and Wildlife, and National Marine Fisheries Service will furnish input into the supplement as cooperating agencies.

4. A scoping meeting was held on 2 May 1979 with the U.S. Fish and Wildlife Service and National Park Service to discuss their concerns about the project.

5. It is estimated that the supplement to the FEIS will be available to the public in July 1979.

**ADDRESS:** Richard Jackson/SAWEN-E, U.S. Army Engineer District,

Wilmington, P.O. Box 1890, Wilmington, NC 28402.

Dated: May 4, 1979.

Adolph A. Hight,  
Colonel, Corps of Engineers, District Engineer.  
[FR Doc. 79-15186 Filed 5-15-79; 8:45 am]

**BILLING CODE 3710-6N-M**

**Draft Environmental Impact Statement; Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Flood Control Study on Village Creek at Birmingham, Alabama**

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

**ACTION:** Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for a Flood Control Study on Village Creek at Birmingham, Alabama.

**SUMMARY:** 1. *Proposed Action:* The proposed action is to prepare a DEIS to assist in determining whether or not to provide flood protection on Village Creek at Birmingham, Alabama. Several alternatives that would provide varying degrees of flood protection are under consideration.

2. *Alternatives:* The alternatives include both structural and nonstructural measures such as: dams, levees, channels, emergency flood warning systems, enforcement of flood plain regulations, flood insurance, flood plain excavation, relocation of structures, flood proofing structures, and no action.

3. *Scoping Process:* a. The Public Involvement Program began on 5 February 1971 to discuss the flooding problems with local interests. A public workshop and meeting was held on 14-15 October 1975 to explain the study, review public views, and answer questions from local citizens. An Environmental Quality (EQ) Committee was formed to develop an EQ Plan. Two meetings were held on 9 March and 1 June 1978 with local, State, and Federal agencies and representatives of environmental groups.

b. Significant issues analyzed in the DEIS are: (1) Whether to remove the residential dwellings in addition to other flood protection measures, or (2) provide no level of flood protection.

4. *Scoping Meeting:* No additional scoping meetings are scheduled due to the advanced state of the DEIS and the coordination that has taken place to date.

5. *DEIS Preparation:* It is estimated that the DEIS will be available to the public in June of 1979.

**ADDRESS:** Questions about the proposed action and DEIS can be answered by:

Mr. Henry A. Malec, PD-ES, U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, Alabama 36628.

Dated: May 2, 1979.

Donald R. Pope,  
LTC, Corps of Engineers, Acting District Engineer.  
[FR Doc. 79-15185 Filed 5-15-79; 8:45 am]

**BILLING CODE 3710-CR-M**

**Intent To Prepare a Draft Environmental Impact Statement for the Great River Environmental Action Team (GREAT I) Study on the Upper Mississippi River from Guttenberg, Iowa, to Minneapolis, Minn.**

**AGENCY:** St. Paul District, U.S. Army Corps of Engineers.

**ACTION:** Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

**SUMMARY:** The GREAT I Team, made up of five Federal agencies and three States, has been involved in a 5-year study to develop a river system management plan for the Mississippi River from Lock and Dam No. 10 at Guttenberg, Iowa, to the head of navigation at Minneapolis, Minnesota. The study has resulted in the recommendation of a maintenance plan for the 9-foot navigation channel, recommendations on future river resource management, and a recommendation for future river resource management coordination. In addition to the authorization and/or funding and subsequent implementation of these recommendations, the following alternatives have been identified to date:

a. No action—continuation of present operation and management of the Upper Mississippi River system.

b. Four channel maintenance plans for disposal of dredged material.

c. Nine plans for river resource management coordination.

d. Numerous river resource management alternatives, some of which will be recommended in the final report.

The scoping process for the DEIS will be initiated by a letter to all concerned Federal, State, and local agencies, affected Indian tribes, and those private organizations and parties who have expressed an interest in the GREAT I studies. Anyone else who has an interest in participating in the scoping process and the development of the DEIS is invited to do so and should contact the St. Paul District, Corps of Engineers, as soon as possible.



Significant issues identified to date include:

a. A proposal to implement a new channel maintenance plan that identifies specific disposal sites to be used for each dredge cut.

b. The addition of fish and wildlife and recreation as project purposes to the 9-foot navigation channel project.

c. Conflicting demands between users of the resources, both land and water, of the Upper Mississippi River.

d. Water quality tradeoffs involved in open water placement of dredged material resulting from channel maintenance activities, fish and wildlife management, recreation management, and/or other beneficial uses.

e. Inconsistent water quality and floodplain management regulations between involved States and the need to provide for consistency.

Our environmental review will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and all applicable Corps of Engineers regulations and guidance.

We estimate that the DEIS will be made available to the public by September 1, 1979.

Questions concerning the proposed action and DEIS can be directed to:

Colonel Forrest T. Gay III, District Engineer, St. Paul District, Corps of Engineers, 1135 U.S. Post Office and Custom House, St. Paul, Minnesota 55101.

Dated: May 4, 1979.

Forrest T. Gay III,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-15223 Filed 5-15-79; 8:45 am]

BILLING CODE 3710-CY-M

### Intent To Prepare a Draft Environmental Impact Statement Supplement for Operations and Maintenance of Grays Harbor and Chehalis River Navigation Project

April 26, 1979.

**AGENCY:** U.S. Army Corps of Engineers, Seattle District.

**ACTION:** Notice of intent to prepare a Draft Environmental Impact Statement Supplement (DEISS) for operations and maintenance of the Grays Harbor and Chehalis River Navigation Project: Implementation of the Grays Harbor Long-Range Maintenance Dredging Program, Grays Harbor, Washington.

#### SUMMARY:

a. *Proposed Action.* The proposed action is continued maintenance of the Grays Harbor and Chehalis River

Navigation Project in accordance with the Grays Harbor Long-Range Maintenance Dredging Program (LRMDP). The LRMDP was developed with input from several Federal, State, and local agencies concerned with dredging in the Grays Harbor estuary. The technical information used to develop the LRMDP was derived from the Grays Harbor Dredging Effects Study (GHDES) and other available information. The LRMDP provides general guidelines for implementing the maintenance dredging along all navigation channel reaches in the estuary. Dredging methods, disposal sites, and seasonal restrictions of dredging are discussed for each channel reach. Provisions for wetland habitat development on dredged material and dredging water quality guidelines are also included. Case-by-case coordination is the basis for incorporating new information into the LRMDP as it becomes available and to handle variance from the guidelines described in the LRMDP.

b. *Alternatives.* The environmental impact statement prepared in 1975 for operations and maintenance of the navigation project discussed various alternatives to project maintenance. This DEISS will address the alternatives to maintaining the project in accordance with the LRMDP. These alternatives are listed below:

(1) Yearly Coordination of Dredging Plans. No long-range program would be implemented.

(2) Modify the Present Long-Range Program. Use of alternative dredging methods and alternative disposal sites, including ocean disposal, rather than those selected in the proposed plan.

(3) Accept the LRMDP as prepared.

c. *Environmental Review and Input.* In March 1974, the U.S. Army Corps of Engineers initiated the GHDES to define the effects of maintenance dredging activities on the estuary's environment. The Washington State Department of Ecology was contracted to conduct the study; its objectives and scope were developed by the Seattle District, Corps of Engineers, in cooperation with Federal, state, and local resource agencies. Acting on the information provided by the GHDES, a series of interagency meetings were held during 1976 to develop a long-range maintenance dredging program for Grays Harbor. The resulting LRMDP was reviewed by the participants and their agencies. Additional review of the program will be required as new information becomes available.

d. *Significant Issues.* It has long been recognized by many of the agencies

concerned with dredging in Grays Harbor that, in order to address all expressed interests and concerns, a long-range plan for dredging should be developed. The resulting LRMDP allows sufficient foresight to evaluate potential cumulative and indirect impacts due to piecemeal actions affecting the environment. In addition, the LRMDP has the potential for meeting the economic requirements of the region while maintaining the valuable natural resources of the estuary.

The DEISS will address the changes in disposal methods, disposal site locations, and the timing of dredging that will result with implementation of the LRMDP. It is the intent of the LRMDP to minimize the environmental impacts of maintenance dredging activities. Consequently, the DEISS will discuss these impacts by summarizing the information obtained from the GHDES.

**AVAILABILITY OF DEISS:** The DEISS is presently scheduled to become available to the public on June 1, 1979.

**ADDRESS:** Information about the proposed action and DEISS can be obtained by contacting:

Fred Weinmann or Keith Phillips, Department of the Army, Seattle District, Post office Box C-3755, Seattle, Washington 98124. ATTN: NPSEN-PL-ER. Phone: (206) 764-3625, (FTS 399-3625).

Dated: May 9, 1979.

John A. Poteat,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-15221 Filed 5-15-79; 8:45 am]

BILLING CODE 3710-ER-M

### Preparation of Draft Environmental Impact Statement for Proposed Marina Construction at East Bay, Olympia, Wash.

**AGENCY:** U.S. Army Corps of Engineers, Seattle District.

**ACTION:** Preparation of a Draft Environmental Impact Statement (DEIS) for Proposed Marina Construction at East Bay, Olympia, Washington.

**SUMMARY:** The selected plan of action is to construct and protect an 800 slip marina in East Bay, Olympia, Washington. The Corps will be responsible for dredging the entrance and access channels (500,000 cubic yards of material); included in the same dredging contract will be the dredging of the moorage area (500,000 cubic yards of material), a local sponsor responsibility. Dredge material will be used to fill 53.4 acres of tidelands, submerged lands and uplands for marina support facilities, access roads, marina parking, and a

cargo handling area to be used by the local sponsor (Port of Olympia). The Corps will also construct a 768 foot floating breakwater to protect the moorage area and access channels.

Alternatives to the preferred plan will include: (1) No action; (2) dry moorage, and (3) nine alternative locations in the South Puget Sound.

(1) The no action alternative would mean no involvement by the Corps of Engineers. The responsibility for constructing and maintaining the marina would be the local sponsor's.

(2) Dry moorage will also be considered as a possible alternative. Such an alternative would require extensive backup land, close to the waterfront as well as breakwater protection, pier, handling docks, hoists, launching ramps, etc. Storage area would be limited to boats no longer than 27 feet.

(3) Nine additional sites will be considered. These sites include: (1) Butler Cove in Budd Inlet, (2) West Bay North and West Bay South, (3) East Bay Shore, (4) Gull Harbor and Budd Inlet, (5) Boston Harbor; a bay near Dofflemeyer and Dover Points, (6) Henderson Inlet North and Henderson Inlet South, (7) Chapman Bay in Henderson Inlet.

Two significant issues will be discussed in the Draft EIS. The first significant issue is the possibility that a marina, located in East Bay, would further degrade the poor water quality of the area. The waters of East Bay periodically experience dissolved oxygen (D.O.) sags. Whether or not a marina would increase the frequency of these D.O. sags or cause an increase in retention time of the low oxygenated waters will be further discussed in the Draft EIS.

The second issue is the amount of fill material. Other agencies have shown a concern that too many acres of intertidal wetlands and subtidal lands will be converted to uplands for the purpose of cargo storage.

**Public Involvement:** A public information studygram was mailed to interested agencies, organizations, industries and individuals on February 11, 1979. The local sponsor (Port of Olympia) held a public meeting on the proposed project on February 21, 1979. At this meeting the status of the project was presented.

A second studygram will be mailed and possibly a public hearing held prior to publication of the final EIS.

**DEIS Availability:** The Draft EIS for East Bay Marina will be available in approximately late May.

**Address:** Questions and/or comments on this proposed action and DEIS can be answered by:

Mr. John Malek, Environmental Resources Section, U.S. Army Corps of Engineers, Seattle District, Post Office Box C-3755, Seattle, Washington 98124, Telephone: (206) 764-3624.

Dated: May 9, 1979.

John A. Potent,  
Colonel, Corps of Engineers District Engineer.  
[FR Doc. 79-15222 Filed 5-15-79; 8:45 am]  
BILLING CODE 3710-ER-M

## Defense Nuclear Agency

### Privacy Act of 1974; New System of Records

**AGENCY:** Defense Nuclear Agency (DNA).

**ACTION:** Notice of new record system.

**SUMMARY:** The Defense Nuclear Agency is adding a new system of records to its inventory of record systems subject to the Privacy Act. This new system is identified as HDNA 005, entitled: Manpower/Personnel Management System. The record system notice is set forth below.

**DATES:** This system shall be effective as proposed without further notice in 30 days from the date of this notice unless comments are received on or before June 15, 1979, which would result in a contrary determination and require republication for further comments.

**ADDRESS:** Send comments to the System Manager identified in the record system.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosemary L. Harris, General Counsel, Defense Nuclear Agency, Washington, D.C. 20305, Telephone 202-325-7681.

**SUPPLEMENTARY INFORMATION:** The Defense Nuclear Agency record system notices as prescribed by the Privacy Act of 1974, Pub. L. 93-579 (5 U.S.C. 552a) have been published in the *Federal Register* as follows:

FR Doc 77-28255 (42 FR 51073), September 28, 1977.

FR Doc 78-25819 (42 FR 42374), September 20, 1978. The Defense Nuclear Agency has submitted a new system report on March 13, 1979 on this

system of records under the provisions of 5 U.S.C. 552a(o) of the Privacy Act. May 10, 1979.

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

HDNA 005

#### SYSTEM NAME:

Manpower/Personnel Management System.

#### SYSTEM LOCATION:

Personnel/Administration Directorate, Defense Nuclear Agency, Washington, D.C. 20305, Routing Symbol: OAPA. Also at the following subordinate commands: Civilian Personnel Office, Bldg 2023A, Kirtland AFB, New Mexico 87115; Civilian Personnel Office, Armed Forces Radiobiology Research Institute, Bethesda, Maryland 20014, Bldg 42, located on the grounds of the National Naval Medical Center. Also supervisor maintained files at all three locations.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian, employed by DNA.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

File contains following information on all personnel assigned to DNA: Social Security Number; Agency; Employee Name; Birth Date; Veteran's Preference; Tenure Group; Service Computation Date; Federal Employees Group Life Insurance; Retirement Code; Nature of Action Code; Effective Date of Action; Position Number; Pay Plan; Occupation Code; Functional Classification Code; Grade; Step; Pay Basis; Salary; Supervisory Position; Location Code/Duty Station; Position Occupied; Work Schedule; Pay Rate Determinant; Special Program Identification Code; Sex; Citizen Status; Date Entered Present Grade; Date Entered Present Step; Separation Date; Reason for Separation (Quit Code); Cost Center; Academic Discipline; Career Conditional Appointment Date (Conversion to Career); Education Level; Degree Date; Purpose of Training; Type of Training; Source of Training; Special Interest; Direct Cost; Indirect Cost; Date of Completion; On-Duty Hours; Off-Duty Hours; JTD Paragraph Number; JTD Line Number; Competitive Level; Military Service Retirement Date; Uniformed Service; Service Commissioned (military); Service Pay Grade (rank); Agency Sub-element Code; Submitting Office Number; Retired Military Code; Bureau; Unit Identification Code; Program Element Code; Civil Function Code; Guard/Reserve Technician;

Appropriation Code; Active/Inactive Strength Designation; Work Center Code; Projected Vacancy Date; Targeted Grade; Position Title; Date of Last Equivalent Increase; Fair Labor Standards Act Designator; Health Benefits Enrollment Code; Type and Date of Incentive Award; Personal Title of Employee; Civil Service or Other Legal Authority; Employing Office Name; Date Probationary Period Begins; Performance Rating; Due Date for Future Action; Position Tenure; Leave Category; Average Grade by Command Element; Personnel Authorized; Projected Personnel Requirements; Special Experience Identifiers; Rotational Position Identification; Additional Duties; Office Titles; Manpower Track; Facility; Arm of Service; Branch of Service; Date of Rank; Primary/Alternate Specialty; Control Specialty; Last OER/EER; Basic Pay Entry Date; Basic Active Service Date; Date of Arrival; Projected Date of Departure; Security; Marital Status; Spouse's Name; Dependents; Address (Nr and Street, City, State, Zip Code); Phones (Home and Duty); Handicap Code; Minority Group Designator.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 302, 4103, Pub. L. 89-554, September 6, 1966.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND PURPOSES OF SUCH USES:**

**INTERNAL USERS, USES AND PURPOSES:**

Assigned personnel in the agency will compile and consolidate reports relating to manpower authorizations/assigned strengths and monitor personnel actions and programs as required by management officials within the agency. Users include Headquarters, Field Command and AFFRI personnel.

Officials and employees of the Defense Nuclear Agency in the performance of their official duties related to the management of civilian and military employee programs, including the design, development, maintenance and operation of the manual and automated system of record keeping and reporting; screening and selection of candidates for centrally administered training programs or promotions; administration of grievances, appeals, complaints, or litigation involving equal opportunity or disclosure of records. Preparation and publication of personnel rosters to facilitate communications/contact for official, social or emergency purposes.

Officials and employees of other Department of Defense components

upon request in the performance of their official duties related to the screening and selection of candidates for programs sponsored by their organization.

A duly appointed hearing Examiner or Arbitrator for the purpose of conducting a hearing in connection with an employee's grievance involving disclosure of records or equal opportunity matters. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of records of the DNA training or employee development records system.

**EXTERNAL USERS, USES AND PURPOSES:**

Representatives of the Office of Personnel Management/Merit Systems Protection Board on matters relating to the inspection, survey, audit or evaluation of the civilian programs or such other matters under the jurisdiction of the OPM.

The Comptroller General or any of his authorized representatives in the course of performance of duties of the General Accounting Office relating to civilian programs.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other agencies of the Executive Branch of government upon request in the performance of their official duties related to the screening and selection of candidates for programs sponsored by their organization.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Automated records are stored on magnetic tapes, discs, computer printouts, and on punched cards. Manual records are stored in paper file folders, card file boxes, and paper rosters.

**RETRIEVABILITY:**

Automated records are retrieved by social security number. Manual Records are retrieved by employee's last name. Handicap Code and Minority Group Designators are available for access only by the Director and the EEO Officer.

**SAFEGUARDS:**

The computer facility and terminal are located in restricted areas accessible only to authorized personnel that are properly screened, cleared, and trained. Manual records and computer printouts are available only to authorized personnel having a need to know. Building employs security guards and is protected by intrusion alarm system.

**RETENTION AND DISPOSAL:**

Computer magnetic tapes are permanent. Manual records are maintained on a fiscal year basis and are retained for varying periods from 1 to 5 fiscal years after which they are destroyed in accordance with appropriate record disposal schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Personnel/Administrator  
Directorate - Headquarters, Defense Nuclear Agency—Washington, DC 20305—Telephone: 202-325-7047.

**NOTIFICATION PROCEDURE:**

Information may be obtained from System Manager. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

**RECORD ACCESS PROCEDURES:**

Requests should be addressed to System Manager. Written requests for information should contain the full name of individual. For personal visits, the individual should provide military or civilian identification card.

**CONTESTING RECORD PROCEDURES:**

The agency's rules for contesting contents and appealing initial determinations are contained in DNA Instruction 5400.11 (32 CFR Part 291a). Additional information may be obtained from the System Manager.

**RECORD SOURCE CATEGORIES:**

Information extracted from military and civilian personnel records, Joint Manpower Program document, security division, and voluntarily submitted by individual.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 79-15270 Filed 5-15-79; 8:45 am]

BILLING CODE 3810-70-M

**Office of the Secretary**

**Privacy Act of 1974; Deletion of System of Records**

**AGENCY:** Office of the Secretary of Defense (OSD).

**ACTION:** Notice of system of records deletion.

**SUMMARY:** The Office of the Secretary of Defense is deleting a system of records subject to the Privacy Act of 1974.

**FOR FURTHER INFORMATION CONTACT:**

Mr. James S. Nash, Chief, Records Management Division, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: 202-695-0970.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense systems of records subject to the Privacy Act of 1974 (5 USC 552a), Pub. L. 93-579, have been published in the *Federal Register* as follows:

FR Doc. 77-28255 (42 FR 50731) September 28, 1977.

FR Doc. 78-25819 (43 FR 42375) September 20, 1978.

FR Doc. 78-34821 (43 FR 58405) December 14, 1978.

FR Doc. 78-35943 (43 FR 60331) December 27, 1978.

FR Doc. 79-8786 (44 FR 17780) March 23, 1979.

FR Doc. 79-11351 (44 FR 22143) April 13, 1979.

H. E. Lofdahl,

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

May 11, 1979.

**Deletion**

*DWHS P24*

*System name:* Navy Officer Personnel Service Records (43 FR 42428, September 20, 1978).

*Reason:* This system of records is no longer maintained.

[FR Doc. 79-15267 Filed 5-15-79; 8:45 am]

BILLING CODE 3810-70-M

**DEPARTMENT OF ENERGY**

**National Petroleum Council, Task Groups of the Committee on Materials and Manpower Requirements; Meeting**

Notice is hereby given that a subcommittee and a task force of the Committee on Materials and Manpower Requirements will meet in June 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Materials and Manpower Requirements will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The subcommittee scheduling a meeting is the Government Subcommittee and the

task force is the Regulatory Impact Task Force. The time, location and agenda of the meetings follows:

The fourth meeting of the Government Subcommittee will be held on Friday, June 15, 1979, starting at 9:00 a.m. in the Main Conference Room of the General Crude Oil Company's offices, One Allen Center Building, 500 Dallas Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Review the progress of the Business Environment Task Group and the Regulatory Impact Task Group.
3. Review the timetable of the Government Subcommittee.
4. Discussion of any other matters pertinent to the overall assignment of the Government Subcommittee.

The fifth meeting of the Regulatory Impact Task Group will be held on Friday, June 22, 1979, starting at 10:00 a.m. in Conference Room 2626, on the 26th floor of the Tenneco Building, 1010 Milam Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Review of information collected for the Task Group's consideration.
3. Review of schedule for completion of assignment of the Regulatory Impact Task Group.
4. Discussion of any other matters pertinent to the overall assignment of the Regulatory Impact Task Group.

The meetings are open to the public. The chairmen of the subcommittee and task force are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the subcommittee or task force will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements should inform James R. Hemphill, Office of Resource Applications, 202/633-8383, prior to the meetings and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on May 2, 1979.

George S. McIsaac,

Assistant Secretary for Resource Applications.

May 2, 1979.

[FR Doc. 79-15167 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

**National Petroleum Council, Task Group of the Committee on Unconventional Gas Sources; Meeting**

Notice is hereby given that a task group of the Committee on Unconventional Gas Sources will meet in June 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Unconventional Gas Sources will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Tight Gas Reservoirs Task Group. The time, location and agenda of the task group's meeting follows:

The seventh meeting of the Tight Gas Reservoirs Task Group will be on Friday, June 22, 1979, starting at 8:30 a.m. in the Conference Room, Mobil Oil Corporation, Prudential Plaza Building, 1645 Curtis Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of overall progress of the Tight Gas Reservoirs Task Group.
3. Review status of separate assignments of the Tight Gas Reservoirs Task Group.
4. Discussion of any other matters pertinent to the overall assignment of the Tight Gas Reservoirs Task Group.

The meeting is open to the public. The chairman of the task group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lucio A. D'Andrea, Office of Resource Applications, 202/633-9482, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on May 10, 1979.

Daniel M. Ogden, Jr.,  
Acting Assistant Secretary for Resource Applications,  
May 10, 1979.

[FR Doc. 79-15212 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

### National Petroleum Council, Task Groups of the Committee on Materials and Manpower Requirements; Meeting

Notice is hereby given that a task group of the Committee on Materials and Manpower Requirements will meet in May and June 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Materials and Manpower Requirements will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Tubular Steel Task Group. The time, location and agenda of the meeting follows:

The sixth meeting of the Tubular Steel Task Group will be held on Thursday and Friday, May 31 and June 1, 1979, starting at 9:00 a.m. on both days in the 8th floor Conference Room, United States Steel Corporation, Two Allen Center Building, 1200 Smith Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of the overall progress of the Tubular Steel Task Group.
3. Review the status of the separate assignments of the Tubular Steel Task Group.
4. Discussion of any other matters pertinent to the overall assignment of the Tubular Steel Task Group.

The meeting is open to the public. The chairman of the task force is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file

a written statement with the task force will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform James R. Hemphill, Office of Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on May 10, 1979.

Daniel M. Ogden, Jr.,  
Acting Assistant Secretary for Resource Applications.

May 10, 1979.

[FR Doc. 79-15213 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

### Objection Filed with the Office of Hearings and Appeals; Week of April 9 through April 13, 1979

Notice is hereby given that during the week of April 9 through April 13, 1979 the Notice of Objection to a Proposed Remedial Order listed in the Appendix to this notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Within 20 days after publication of this notice, any person who wishes to participate in the proceeding with the Department of Energy will conduct concerning the Proposed Remedial Order described in the Appendix to this notice must file a request to participate, pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). Within 30 days of the publication of this notice, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Issued in Washington, D.C., May 10, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

William J. O'Connor, Oklahoma City, Okla.,  
DRO-0191, crude oil

On April 10, 1979, William J. O'Connor, 125 Northwest 6th Street, Oklahoma City, Oklahoma 73102, filed a Notice of Objection to a Proposed Remedial Order which the

DOE Southwest Enforcement District issued to him on March 28, 1979. In the Proposed Remedial Order, the Enforcement District found that during the period September, 1973 through June, 1978, O'Connor committed pricing violations in the State of Oklahoma in connection with the production and sale of crude oil. According to the Proposed Remedial Order, O'Connor's violations resulted in overcharges to its customers of \$86,109.56.

[FR Doc. 79-15214 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

### Price of Americium-241

**AGENCY:** Department of Energy.

**ACTION:** Notice of Proposed Price Increase.

**SUMMARY:** The United States Department of Energy (DOE) proposes to announce an increase in the sales price for Americium-241 from \$600 per gram to \$800 per gram and proposes to supercede the Federal Register Notice "Americium-241 Notice of Price Increase" of May 24, 1977, (42 FR 26450).

The foregoing proposed action has been determined to be consistent with the requirements of Section 81 of the Atomic Energy Act, as amended.

**DATE:** Written comments will be considered if received no later than June 18, 1979.

**ADDRESS:** Send written comments to: Dr. John L. Burnett, Division of Nuclear Sciences, Office of Basic Energy Sciences, U.S. Department of Energy, Washington, DC 20545, MS J-309.

**FOR FURTHER INFORMATION CONTACT:** Dr. John L. Burnett, (301) 353-3613.

**SUPPLEMENTARY INFORMATION:**

#### Background

Americium-241 is produced by DOE as a by-product from the reprocessing of aged plutonium. Plutonium-241 is one of the isotopes present and decays to Am-241. The major commercial use for Am-241 is for producing neutron sources used in oil well logging. Another increasingly important use is in smoke detectors.

Historically DOE and its predecessor agencies have established a sales price for Am-241 to recover the costs associated with the additional steps in the process to render Am-241 to a commercially useful form. The increase of the sales price of Am-241 to \$800 per gram will enable DOE to continue to recover those costs.

*Determination Pursuant to Section 501(c) of the DOE Organization Act*

A comment period is provided pursuant to Section 501(b)(1) of the DOE

Organization Act (Pub. L. 95-91). However, it has been determined that no substantial issue of law or fact exists and this proposed price increase will have no substantial impact on the nation's economy or on large numbers of individuals or businesses. Therefore, no public hearing will be held.

Issued in Washington, D.C., May 10, 1979.

John M. Deutch,

Director of Energy Research.

[FR Doc. 79-15281 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

## Economic Regulatory Administration

### Pauley Petroleum Inc.; 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 and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

**DATES:** Effective date: April 30, 1979.

**COMMENTS BY:** June 15, 1979.

**ADDRESS:** Send comments to: Jack L. Wood, District Manager of Enforcement, 111 Pine Street, San Francisco, CA 94111.

**FOR FURTHER INFORMATION CONTACT:** Jack L. Wood, District Manager of Enforcement, 111 Pine Street, San Francisco, CA 94111, Phone: (415) 556-7200.

**SUPPLEMENTARY INFORMATION:** On April 30, 1979, the Office of Enforcement of the ERA executed a Consent Order with Pauley Petroleum Inc. of Los Angeles, California. Under 10 CFR 205.199(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

#### I. The Consent Order

Pauley Petroleum Inc., with its home office located in Los Angeles, California, is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 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 Pauley, the Office of Enforcement, ERA, and Pauley entered into a Consent Order, the significant terms of which are as follows:

1. Pauley is the owner and operator of the Fee No. 7 lease in Los Angeles County, California.

2. Pauley produced 3851.48 barrels of crude oil from Fee No. 7 during the period September 1, 1976 through September 30, 1977, which amount was sold to Macmillan Ring-Free Oil Company at exempt oil prices based upon certification of the lease as a stripper well property.

3. The DOE contends that the lease was not eligible for the stripper well exemption for any period prior to October 1, 1977 and that Pauley should not have received payments in excess of the lower tier ceiling price as prescribed by 10 CFR 212.73 during the period in question.

4. Payments received by Pauley from Macmillan in excess of the applicable lower tier ceiling price during the period September 1, 1976 through September 30, 1977 totaled \$27,241.58.

5. Pauley, without admitting that it has violated any regulation or overcharged any customer, is willing to enter into the Consent Order and refund \$27,241.58 plus interest at the rate set by DOE as a means of settling this dispute.

6. The provisions of 10 CFR 205.199], including the publication of this Notice are applicable to the Consent Order.

#### II. Disposition of Refunded Overcharges

In this Consent Order, Pauley agreed 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 above, the sum of \$27,241.58 plus interest thereon in the amount of \$3,412.46. A certified check for \$30,655.04 made payable to the United States Department of Energy has been delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refunded amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to

subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

#### III. Submission of Written Comments

**A. Potential Claimants.**—Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

**B. Other Comments.**—The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Jack L. Wood, District Manager of Enforcement, 111 Pine Street, San Francisco, California 94111. You may obtain a free copy of this Consent Order by writing to the same address or by calling 415-556-7200.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Pauley Petroleum Inc. Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on June 15, 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 Los Angeles on the 4th day of May 1979.

George W. Hubbard,

Acting District Manager of Enforcement.

[FR Doc. 79-15168 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

**Application for Presidential Permit PP-69: Vermont Electric Cooperative, Inc.**

**AGENCY:** Department of Energy, Economic Regulatory Administration.

**ACTION:** Notice of Application for Presidential Permit for Three International Transmission Lines: Vermont Electric Cooperative, Inc.

**SUMMARY:** Vermont Electric Cooperative, Inc. filed an application for a Presidential Permit, PP-69, to operate and maintain a group of three international transmission lines at the United States-Canadian boundary.

**FOR FURTHER INFORMATION CONTACT:**

James M. Brown, Jr., System Reliability and Emergency Response Branch, Department of Energy, Room 4070, Vanguard Building, 1111 20th Street NW., Washington, D.C. 20461, (202) 634-5620.

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5113, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-9380.

**SUPPLEMENTARY INFORMATION:** On April 26, 1979 Vermont Electric Cooperative, Inc. (Vermont Electric) filed an application with the Economic Regulatory Administration (ERA) for a presidential permit, pursuant to Executive Order No. 10485, as amended. Vermont Electric requests authority to operate and maintain three 24.95 kV transmission lines at the United States-Canadian border, in the vicinity of Derby, Vermont.

Vermont Electric states that it has a contract with the Hydro Quebec Board and a Letter Agreement extending the contract, copies of which are filed with the application. The contract provides for Vermont Electric to purchase between 1200 and 3600 kilowatts annually from Hydro Quebec.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the System Reliability and Emergency Response Branch, Economic Regulatory Administration, Room 4070, 1111 20th Street, N.W., Washington, D.C. 20461, in accordance with sections 1.8 and 1.10 of the Rules of Practice and Procedure (18 CFR 1.8, 1.10).

All such protests and petitions should be filed on or before May 24, 1979.

Protests will be considered by ERA 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 Economic Regulatory Administration and will, upon request, be made

available for public inspection and copying at the ERA Docket Room, Room B-110, 2000 M Street, N.W., Washington, D.C., and at the System Reliability and Emergency Response Branch, Room 4070, 1111 20th Street, N.W., Washington, D.C.

Dated: May 10, 1979.

Jerry L. Pfeffer,

Acting Assistant Administrator for Utility Systems,  
Economic Regulatory Administration.

[FR Doc. 79-15282 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

**Monarch Aviation, Inc.; Proposed Remedial Order**

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Monarch Aviation, Walker Field, Grand Junction, Colorado 81501. This Proposed Remedial Order charges Monarch Aviation with pricing violations in the amount of \$51,602.22, connected with the resale of aviation fuel during the time period November 1, 1973, through July 31, 1976, in the State of Colorado.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Kenneth E. Merica, District Manager of Enforcement, 1075 South Yukon Street, P.O. Box 26247, Belmar Branch, Lakewood, Colorado 80226, phone (303) 234-3195. On or before May 31, 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.

Issued in Lakewood, CO on the 8th day of May 1979.

Kenneth E. Merica,

District Manager of Enforcement, Rocky Mountain District.

Charles F. Dewey,

Regional Counsel.

May 8, 1979.

**Department of Energy****Economic Regulatory Administration****Monarch Aviation, Inc.**

Proposed Remedial Order; Case Number 840K00075

**Introduction**

On April 3, 1978, the Office of Enforcement of the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a Notice of Probable Violation (Notice) to Monarch Aviation, Inc. (Monarch) pursuant to 10 CFR 205.191. The Notice described certain apparent violations of applicable regulations related to Monarch's sales of

aviation fuels as a retailer and fixed base operator at Walker Field in Grand Junction, Colorado, and at Sardy Field in Aspen, Colorado, during the period from November 1, 1973, through July 31, 1976.

Monarch's attorney, Mr. Anthony Prinster, filed a written reply to the Notice on April 10, 1978, requesting copies of "all work papers made in preparing the Notice of Probable Violation" as well as additional time in which to file a formal response. During the following months DOE provided Mr. Prinster copies of pertinent work papers in addition to those which had been given to Mr. John Pabst, President of Monarch, on August 30, 1976; DOE also repeatedly extended the time during which Monarch was allowed to formally respond to the Notice. Finally, a meeting was held on October 12, 1978, between Mr. Stuart Barr of DOE and Mr. Joe Heard, representing Monarch, at which Mr. Heard reviewed the entire case file and was given copies of all the work papers for which he requested copies. A final extension of time for Monarch's response to the Notice was granted through October 30, 1978, on which date Mr. Prinster filed Monarch's response.

The pricing rules applicable to the sale of covered products, including aviation fuels, were originally promulgated on August 19, 1973 (38 F.R. 22536, August 22, 1973) by the Cost of Living Council (CLC) pursuant to authority vested in it by the Economic Stabilization Act of 1970, as amended (12 U.S.C. 1904, note). On December 27, 1973, the Federal Energy Office (FEO) adopted CLC's pricing rules for petroleum products as part of what later became the FEA Mandatory Price Regulations. In CLC Order No. 47 (December 26, 1973) and CLC Order No. 47, Amendment 1 (January 30, 1974), the Chairman of the CLC delegated authority to the Administrator of FEA to, among other things, "make determinations and take action with respect to Phase II, Phase III, and Phase IV compliance and enforcement cases" received after December 21, 1973. These CLC delegations were codified and transferred from FEO to FEA by Executive Order No. 11790 (30 F.R. 23185, June 27, 1974). That Executive Order also delegated to FEA all authority vested in the President by the Emergency Petroleum Allocation Act of 1973, (P.L. 93-159).

Pursuant to § 301 of the Department of Energy Organization Act, 42 U.S.C. 7151, note, all functions vested by law in the FEA were transferred to, and vested in, the Department of Energy. Further, the authority previously granted to FEA by Executive Order No. 11790 was

re delegated to DOE by Executive Order No. 12009, effective October 1, 1977. Thus, the FEO, the FEA, and the DOE have been successively authorized to investigate and deal with violations of CLC's price regulations for petroleum products committed between August 19, 1973, and December 27, 1973 (prior to the establishment of an FEA regulatory scheme for pricing petroleum products), as well as violations occurring on or after December 27, 1973.

Based upon the information made available to the Office of Enforcement of the DOE, and after consideration of the written responses received, the Office of Enforcement of the ERA finds that Monarch was in violation of applicable price regulations, as described herein.

#### Applicable Regulations

The pricing rules promulgated by the FEO on December 27, 1973, were reissued on January 15, 1974 (39 F.R. 1924). The following subsections of 10 CFR 212.93, formerly 6 CFR 150.359, pertaining to sales of covered products, including aviation fuel, were in effect during the violation period and pertain to the violations described herein:

"(a) A seller may not charge a price for any item subject to this subpart which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, plus an amount which reflects on a dollar-for-dollar basis, increased costs of the item."

"(b)(2) With respect to middle distillates: (i) in all retail sales, (A) beginning with April, 1974, a seller may charge one cent per gallon in excess of the amount otherwise permitted to be charged for the item concerned pursuant to the provisions of this section, including paragraph (b)(1)(i) of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973."

"(b)(2)(B) in sales of aviation fuels by fixed base operators, beginning with December, 1975, a seller may charge three cents per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b)(2)(i)(A) of this section to reflect non-product costs increases which the seller incurred after May 15, 1973."

Amendments to the language of the above sections during the audit period have no effect on the violations alleged herein.

Section 212.31 of 10 C.F.R. defines the following terms:

" 'Middle distillates' means No. 1 and 2 heating oils, Nos. 1-D and 2-D diesel fuels, kerosene and aviation fuels."

" 'Aviation fuels' means aviation fuels (kerosene-type), aviation fuel (naphtha-type), and aviation gasoline."

" 'Class of purchaser' means purchasers to whom a person has charged a comparable price for comparable property or service pursuant to customary price differentials between those purchasers and other purchasers."

" 'Fixed base operator' means a firm which maintains facilities at an airport for the purpose of (1) engaging in the retail sale of aviation fuels primarily to purchasers other than (a) scheduled or supplemental air carriers certificated by the Civil Aeronautics Board pursuant to 49 U.S.C. 1371 or (b) the Department of Defense; and (2) performing one or more of the following general aviation activities: (a) aircraft maintenance, servicing, parking, tie-down, storage and other aircraft services; (b) baggage and cargo handling and other passenger/freight services; and (c) maintenance of avionics equipment and systems."

" 'Retailer' means a firm (other than a refiner or reseller) or that part of such a firm which carries on the trade or business of purchasing covered products and reselling them to ultimate consumers without substantially changing their form."

Throughout the audit period, the term "covered products" included aviation fuels.

Section 205.199I(b), concerning remedies for violation of the petroleum pricing regulations, provides in part:

"\* \* \* In cases where purchasers cannot be reasonably identified or paid or where the amount of each purchaser's overcharge is incapable of reasonable determination, the DOE may refund the amounts received in such cases directly to the Treasury of the United States on behalf of such purchasers."

#### Proposed Findings of Fact

The following facts, as originally described and set forth in the Notice, form the basis of ERA's decision in this case.

As quoted above, 10 C.F.R. § 212.93 sets forth the maximum lawful selling price for covered products. Monarch's maximum lawful selling price was computed by determining the May 15, 1973 profit margin for each covered product and class of purchaser. The current cost of product plus allowable nonproduct cost increases and any unrecouped costs ("bank") were added to the profit margin to arrive at the maximum lawful selling price. The overcharge per gallon was determined by comparing the maximum allowable sales price with the actual sales price charged each class of purchaser by the firm. Total overcharges were determined by multiplying the total gallons sold during the audit period by the computed overcharges for each covered product and class of purchaser.

Based upon the audit of Monarch's records, the Office of Enforcement of the ERA of the DOE finds that Monarch's failure to comply with the regulations quoted above resulted in overcharges to Monarch's eight classes of purchasers in sales of aviation fuels during the period November 1, 1973, through July 31, 1976, in the total amount of \$51,602.22 plus interest. Five of those eight classes of purchaser are designated by name and product as: Transient Customers—Grand Junction, Transient Customers—Aspen, Frontier Air Lines, Western Air Lines, and Rocky Mountain Airways, all purchasing kerosene jet fuel. The remaining three classes of purchasers are: Western Air Stages, Transient Customers—Grand Junction, and Transient Customers—Aspen, all purchasing 100 octane aviation fuel. The violation, including interest through January 31, 1979, is set forth below by class of purchaser:

Class of purchaser	Fuel	Overcharge	Interest	Total
Transient Customers—Grand Junction	Jet Kerosene	\$4,074.37	\$873.70	\$4,948.07
Transient Customers—Aspen	Jet Kerosene	4,012.36	1,123.82	5,136.18
Frontier Airlines	Jet Kerosene	3,753.17	994.58	4,747.75
Western Airlines	Jet Kerosene	5,164.98	1,264.32	6,429.90
Rocky Mountain Airways	Jet Kerosene	11,955.22	3,589.14	15,544.36
		28,960.10	7,845.56	36,805.66
Western Air Stages	100 Octane	13,075.61	3,549.48	16,625.09
Transient Customers—Grand Junction	100 Octane	3,828.90	792.99	4,621.89
Transient Customers—Aspen	100 Octane	5,737.61	1,543.10	7,280.71
		22,642.12	5,885.57	28,527.69
Total		51,602.22	13,731.13	65,333.35



Interest was computed and added to the total overcharges at the rate of 6% on amounts of overcharges outstanding before July 1, 1975, at 9% on those amounts from July 1, 1975, through January 31, 1976, at 7% on those amounts from February 1, 1976, through January 31, 1978, and at 6% on those amounts after January 31, 1978. Interest will continue to accrue until the date appropriate restitution is made.

The violation occurred because Monarch exceeded the May 15, 1973 profit margin which is included in its maximum lawful selling prices.

Therefore, the prices charged during certain months of the audit period to each class of purchaser were in excess of the maximum lawful selling price. In part, this was a result of the fact that Monarch improperly eliminated discounts to certain of its classes of purchaser which were in effect on May 15, 1973. Moreover, Monarch failed to keep records adequate to demonstrate compliance with the petroleum pricing regulations and did not calculate its maximum lawful selling prices for aviation fuels during the audit period. Monarch's May 15, 1973 profit margins by class of purchaser were as follows:

The maximum lawful selling price (.5308¢) was computed by adding the cost of product (.4358¢) to the allowable profit margin set forth above (.095¢) and applicable non-product cost increases (none, since prior to April 1, 1974, there was no provision for a pass-through of increased non-product costs). Again, there was no "bank" or unrecovered product costs available to Monarch.

All violations found in other pricing periods during the audit period were calculated in the same manner.

**Monarch's Arguments**

In its written response to the Notice, dated October 30, 1978, Monarch argued that:

(1) The class of purchaser structure used by the DOE "did not take into account circumstances relating to the terms and conditions of sale and delivery of fuel". Monarch further stated that the classes of purchaser which DOE applied are unfair and inequitable;

(2) There is a high probability and high occurrence of computational errors in the audit;

(3) The inventory evaluation method used by the DOE in arriving at the weighted average cost was unfair to Monarch and resulted in a lower inventory valuation than should have been applied under the circumstances for purposes of computing the cost and valuation of the inventory.

**Determinations by the Office of Enforcement**

The Office of Enforcement of the Economic Regulatory Administration of the DOE has made the following determinations with regard to the arguments presented by Monarch. Each numbered section responds in order to Monarch's numbered arguments set forth above.

(1) The argument presented by Monarch pertaining to the class of purchaser structure used in the audit is invalid for the following reasons. The audit records indicate that the issue of class of purchaser was discussed with company personnel in June 1976 prior to the beginning of the detailed audit. Monarch expressed no objections to the classes of purchaser established by the auditor at that time. Monarch was aware of the structure of classes used in the audit both prior to and during the audit. In fact, the audit findings were

Class	Fuel	Selling price (per gal)	Cost (per gal)	Allowable profit margin (per gal)
Transient Customers—Grand Junction	Jet Kerosene	.47¢	.169¢	.301¢
Transient Customers—Aspen	do	.48¢	.168¢	.312¢
Frontier Airlines	do	23288¢	.169¢	.06388¢
Western Airlines	do	.31¢	.169¢	.141¢
Rocky Mountain Airways	do	.23¢	.168¢	.062¢
Western Air Stages	100 Octane	.35¢	.255¢	.095¢
Transient Customers—Grand Junction	do	.52¢	.255¢	.265¢
Transient Customers—Aspen	do	.53¢	.254¢	.276¢

The margins set forth above were determined by subtracting the May 15, 1973 product cost for each product from the May 15, 1973 selling price for each product to each class of purchaser. Individual customers within each of the Transient Customer classes cannot be reasonably identified, and the amount of each individual purchaser's overcharge is incapable of reasonable determination without imposing an unreasonable administrative burden on Monarch.

The audit examination of Monarch's records revealed that in most months during the period from November 1, 1973, through July 31, 1976, Monarch's actual selling price to certain of its eight classes of purchaser exceeded the firm's maximum lawful selling price. An example of one such violation is Monarch's sale of kerosene jet fuel to Rocky Mountain Airways during the period January 3, 1974, through February 18, 1974. The chart below illustrates the method used to compute the overcharge resulting in that violation.

Pricing period	Actual SP/gal	Max. lawful SP/gal	Overcharge/gal	Gal. sold	Total overcharge
January 3, 1974–February 18, 1974	.385¢	.28878¢	.09622¢	20,879	\$2,008.97

The maximum lawful selling price (.28878¢) was computed by adding the cost of product (.22678¢) to the allowable profit margin set forth above (.062¢) and applicable nonproduct cost increases (none, since prior to April 1, 1974, there was no provision for a pass-through of increased non-product costs). There was no "bank" or unrecovered product costs available to Monarch.

Another example of the pricing violations alleged above is Monarch's sale of 100 octane aviation fuel to Western Air Stages during the period March 6, 1974, through March 31, 1974. The chart below illustrates the method used to compute the overcharges resulting in that violation:

Pricing period	Actual SP/gal	Max. lawful SP/gal	Overcharge/gal	Gal. sold	Total overcharge
March 6, 1974–March 31, 1974	.63¢	.5308¢	.0992¢	8,954.5	\$878.37

presented to the president of Monarch, John Pabst, at a closing conference held on August 30, 1976. Pertinent work papers were provided and detailed explanations of the violations were given to Monarch at that time. Mr. Pabst found no fault with the method and audit technique used to determine the violations. The issue was not raised by Monarch until August 31, 1978; and to date the DOE has not been presented with an alternate class of purchaser structure which supports Monarch's contention that the classes used by DOE were unfair and resulted in considerable inequities.

Ruling 1975-2 (40 FR 10655, March 7, 1975) describes the factors to be considered in establishing classes of purchaser. The classes established by the auditor are based on location (Aspen or Grand Junction), type of purchaser (particular airline companies or transient customers), volume (large quantity sales or small quantity sales), and grade of fuel (jet kerosene or 100 octane). Those are the factors listed in Ruling 1975-2 which are relevant, given the data provided to date by Monarch. Monarch's October 30 response to the Notice urges that additional or different classes existed in May 1973 and should have been recognized based on differing "terms and conditions of sale and delivery of fuel". Although that is an additional factor listed in Ruling 1975-2, Monarch has not identified any separate classes based on that factor or provided any data which would support the existence of classes based on that factor. Accordingly, there is no basis on which to change Monarch's classes of purchaser structure as established by the auditor, or, indeed, any reason to believe such changes, if justified, would benefit Monarch by reducing the violation. The response also states that DOE "classified all customers of Monarch Aviation purchasing fuel in the same category." This is not the case, as the Notice explicitly set forth the alleged violation in terms of the eight classes of purchaser described above.

(2) In his October 30, 1978, letter, Monarch's attorney states the following: "It is still, at this time, impossible to delineate all of the errors due to the fact that the entire audit has not yet been reviewed. However, the following specific instances are herewith documented:"

He then listed four specific instances of incorrect product costs used in the audit and provided copies of invoices in support of the examples given. While it may be true that Monarch has not reviewed the audit file to the degree its attorney now desired, that is not

because of any lack of opportunity. Monarch has had ample opportunity to review the file, most recently in the meeting attended by its representative, Joe Heard, on October 12, 1978, at which the entire file was available for examination, explanation, and copying.

As to the four specific errors cited by Monarch's attorney, three of them, numbers 1, 3, and 4, were corrected during the audit review process prior to issuance of the Notice of Probable Violation; and the corrected worksheets, QQ2, UU1, and TT1, were shown to Mr. Heard on October 12, 1978. He was provided a copy of corrected worksheet QQ2, but he did not request copies of the other corrected worksheets. Error number 2 cited by Monarch, relating to the product cost for jet kerosene at Grand Junction on December 28, 1973, Invoice No. 031-017-667, has now been corrected. The correction resulted in a reduction of overcharges for jet kerosene at Grand Junction totalling \$4.25; this reduction is reflected in the list of overcharges by class of purchaser set forth above and in the related interest figures.

(3) The argument presented by Monarch pertaining to the audit inventory valuation method is vague and difficult to understand. To begin with, the method used to determine the cost of product sold was explained in full to Mr. Pabst at the closing conference on August 30, 1976. Mr. Pabst found no fault with the method used at that time. Secondly, not only did Monarch's argument fail to demonstrate how the method used is unfair, but Monarch failed to present an alternative which would be more equitable and in accordance with the regulations.

#### Proposed Conclusions of Law

1. Monarch met the definition of "retailer" set forth in 6 C.F.R. § 150.352 and 10 C.F.R. § 212.31 as a firm which purchased aviation fuels and resold them to ultimate consumers without substantial change in their form throughout the period of November 1, 1973, through July 31, 1976.

2. Monarch met the definition of "fixed base operator" set forth in 10 C.F.R. § 212.31 for the purpose of non-product cost increases under 10 C.F.R. § 212.93(b)(2)(B) from December 1, 1975, through July 31, 1976.

3. During the period of November 1, 1973, through July 31, 1976, pricing of Monarch's sales of aviation fuels was continuously controlled under CLC regulations (6 C.F.R. Part 150) and successor regulations (10 C.F.R., Part 212).

4. During the period of November 1, 1973, through July 31, 1976, Monarch failed to comply with the applicable regulations covering the resale of aviation fuels.

5. During the period of November 1, 1973, through July 31, 1976, Monarch sold aviation fuels at prices in excess of the maximum lawful selling prices allowed by applicable regulations.

6. The above-mentioned violations resulted in Monarch receiving \$51,602.22 in excess of the amount allowed under applicable regulations during the period of November 1, 1973, through July 31, 1976.

7. Because individual purchasers within the four Transient Customer classes of purchaser cannot be reasonably identified and the amount of each individual purchaser's overcharge is incapable of reasonable determination, refund to the Treasury of the United States on behalf of such individual purchasers is appropriate, pursuant to 10 C.F.R. § 205.199(b).

Therefore, pursuant to 10 C.F.R. § 205.192 and for the reasons stated above, the Office of Enforcement of the Economic Regulatory Administration of the DOE finds that Monarch committed violations of applicable regulations and hereby issues this Proposed Remedial Order.

#### Proposed Remedial Order (PRO)

It is contemplated by this PRO that Monarch be required to take the following remedial actions:

1. Calculate the amount of interest applicable to the overcharges of \$28,960.10 on sales of Jet Kerosene and \$22,642.12 on sales of 100 Octane Fuel at the rate of 6% on amounts of overcharges outstanding before July 1, 1975, at 9% on those amounts from July 1, 1975, through January 31, 1976, at 7% on those amounts from February 1, 1976, through January 31, 1978, and at 6% on those amounts from February 1, 1978, until refunded. The Office of Enforcement has determined that the accrued interest amounts through January 31, 1979, are \$7,845.56 and \$5,885.57 respectively. Interest shall continue to accrue until the entire amount of overcharges and interest has been refunded.

2. Refund to Frontier Airlines, Western Airlines, Rocky Mountain Airways, and Western Air Stages, an amount equal to the respective amounts of overcharges set forth in the Proposed Findings of Fact section above plus interest as provided in item 1 above. Such refunds shall be made over a period of one year commencing not more than thirty (30) days after the

effective date of the final Order and with not less than one-half (½) of each respective overcharge and accrued interest being refunded within not more than six (6) months after the effective date of the final Order.

3. Refunds to Frontier Airlines, Western Airlines, Rocky Mountain Airways, and Western Air Stages shall be made by either check or credit memo, at the customer's option (except as noted below). If by credit memo, Monarch shall have the alternative of allowing the customer to deduct the amount of the credit memo from any current balance due or from future purchases provided that the refund will be accomplished in the time period noted in item 2 above. If Frontier Airlines, Western Airlines, Rocky Mountain Airways, or Western Air Stages have ceased (or cease during the refund term) purchasing product from Monarch, Monarch shall refund the amount of outstanding overcharges and interest by check during the applicable time period.

4. Refund of the overcharges to the four Transient Customer classes of purchaser, totalling \$17,653.24, plus interest as provided in item 1 above, shall be made by certified check payable to the United States Department of Energy and delivered to:

Assistant Administrator for Enforcement,  
Attention: Refund Coordinator, Economic  
Regulatory Administration, Room 5302,  
2000 M Street NW., Washington, DC 20461.

Delivery may be made by certified mail, return receipt requested, and shall be made no later than ninety (90) days after the effective date of the final Order. Following delivery of the check, the DOE shall refund the amount received directly to the Treasury of the United States on behalf of Monarch's unidentified transient customers, pursuant to 10 C.F.R. § 205.199(b).

5. Monarch shall submit to the Office of Enforcement, in writing at the address below, a status report of the amounts of refunds made and outstanding pursuant to this Order. The initial status report shall be submitted within thirty (30) days of the date the final Order is issued and a report shall be filed every thirty (30) days thereafter.

6. Monarch shall provide Frontier Airlines, Western Airlines, Rocky Mountain Airways, and Western Air Stages with a written statement which explains that the refund action is taken by Monarch pursuant to a Remedial Order issued by the DOE;

7. The determinations, payments, credits, and price reductions made pursuant to the above items shall be

recorded and maintained separately and shall, at a minimum, include the customer name, transactions involved, dollar amount of remedial action, and dates of action taken. Upon completion of all actions required by the final Order, copies of the complete lists and records so maintained by Monarch shall be transmitted to the Office of Enforcement at the address stated below within ten (10) days after such completion, together with a certification by Monarch that all terms of the final Order have been met.

8. If Monarch sells or otherwise disposes of any portion of its business or interests affected by this PRO before the requirements thereof are fully discharged, Monarch will disclose the existence and terms of this PRO (or the final Order if it has become final) to any such successor in interest.

9. All documents or reports required by the final Order to be provided to the Office of Enforcement shall be transmitted to:

Mr. Edgar M. Case, Audit Director, Office of Enforcement—Group I, Department of Energy, Rocky Mountain District, P.O. Box 26247, Belmar Branch, Lakewood, Colorado 80226.

#### Review Procedures

The procedures for administrative review of this Proposed Remedial Order (PRO) are found in 10 C.F.R. Part 205, Subpart 0 (§§ 205.190 *et seq.*). Some of these procedures are summarized below. You should, however, fully review the requirements of Subpart 0 if you wish to contest the issuance of the PRO as a final order.

#### Notice of Objection

If you wish to contest issuance of this PRO as a final order, you must file a Notice of Objection within fifteen (15) days of publication of notice of this PRO in the *Federal Register*. The Notice of Objection must briefly describe how you would be aggrieved by the issuance of the PRO as a final order and must state your intention to file a Statement of Objections. If you fail to file a timely Notice of Objection, you shall be deemed to have admitted the findings of fact and conclusions of law in the PRO; and the PRO may be issued as a final order without further proceedings. A full statement of procedural requirements in connection with the Notice of Objection is provided in 10 C.F.R. § 205.193.

#### Statement of Objections

A Statement of Objections to a PRO must be filed within forty (40) days after service of the Notice of Objection. The Statement of Objections must set forth

the basis for the objections to the issuance of the PRO as a final order and must otherwise meet the requirements of § 205.196.

#### Motions and Requests

Discovery may be conducted in conjunction with remedial order proceedings in certain cases. See § 205.198. A Motion for Discovery must show why discovery is necessary in order to obtain relevant and material evidence and why discovery would not unduly delay the proceedings. If you intend to file a Motion for Discovery, you must do so at the same time you file the Statement of Objections.

In addition, an evidentiary hearing may be convened in conjunction with remedial order proceedings, as appropriate, pursuant to § 205.199. A Motion for Evidentiary Hearing must show that there is a genuine dispute over relevant and material issues of fact that would be more effectively resolved by personal presentation with opportunity for cross examination than through submission of written material. If you intend to file a Motion for Evidentiary Hearing, you must do so at the same time you file the Statement of Objections.

You are entitled, as a matter of right, to a hearing to present oral argument regarding the PRO, whether or not an evidentiary hearing is requested or convened, provided you make a timely request for such a hearing. See § 205.199A.

All notices, statements, motions, requests and replies in this proceeding must be filed with:

Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, DC 20461.

In addition, a copy of each filing must be submitted to each of the following offices:

Assistant General Counsel for Administrative Litigation, Office of General Counsel, Department of Energy, Room 7130, 12th Street and Pennsylvania Ave., NW., Washington, DC 20461.

and

Office of Enforcement, Department of Energy, Rocky Mountain District, 1075 South Yukon Street, P.O. Box 26247—Belmar Branch, Lakewood, Colorado 80226.

As required by § 205.196(c), the copy of the Statement of Objections which you file must include a copy of the Notice, each reply thereto, the PRO, and any relevant work papers or supplemental information provided by ERA in connection with the PRO.

Issued this 8th day of May 1979.

Edgar M. Case,

Audit Director, Office of Enforcement, Group I, Rocky Mountain District.

[Case Number 840K00075]

[FR Doc. 79-15277 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

### J. P. Stevens & Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Take notice that on April 24, 1979, J. P. Stevens & Co., 1185 Avenue of the Americas, New York, New York 10036, filed an application pursuant to 10 CFR Part 595 [44 FR 20398, April 5, 1979] for a certification of an eligible use of natural gas to displace fuel oil, all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays, Room 6317, 2000 M Street, N.W., Washington, D.C. 20461.

In its application, J. P. Stevens stated that the volume of natural gas subject to certification is 5,970 Mcf per day, and the eligible seller is The Louisiana Land and Exploration Company, 225 Baronne Street, New Orleans, La. 70160. This natural gas will be used to displace approximately 7,603,188 total gallons of fuel oil annually at various facilities as further described in the Appendix to this notice. The gas will be transported by Transcontinental Gas Pipe Line Corporation, 2700 South Post Oak Road, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 6318, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, within ten (10) calendar days of the date of publications of this notice in the Federal Register.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to J. S. Stevens & Co., and any persons filing comments, and filed in the Federal Register.

Issued in Washington, D.C., May 7, 1979.

Barton R. House,

Assistant Administrator, Office of Fuels Regulation, Economic Regulatory Administration.

#### Attachment A

Facility	Type of fuel oil displaced	Annual volume of fuel oil displaced	Sulphur content of fuel oil displaced	Maximum daily volume of natural gas to be transported
		(Gallons)	(Percent)	(Mcf)
Delta 2 & 3, Wallace, S.C.	#6	3,188,432	2.4	1,951
Aberdeen, Aberdeen, N.C.	#4	315,709	1.7	236
Duncan, Greenville, S.C.	#5	600,171	2.0	535
Parker, Greenville, S.C.	#4	102,670	1.7	154
High Point, High Point, N.C.	#5	703,881	2.0	432
Slater, Slater, N.C.	#5	240,916	2.0	221
Taylor, Taylor, S.C.	#5	1,809,239	2.0	2,008
Delta, #4 Roanoke Rapids, N.C.	#4	662,170	1.7	433
Total		7,603,188		5,970

in accordance with section 102(2)(C) of the National Environmental Policy Act, regarding the application of San Diego Gas and Electric Company for a permit to construct a 230 kV electric transmission line across the U.S./ Mexican border to interconnect with the electric power system operated by the Mexican Commission Federal Electricidad. The subject transmission line is proposed to terminate at SDG&E's Miguel Substation on the northern end. It will proceed in a southerly direction to the international border. The EIS will be prepared jointly by DOE and the California public Utility Commission (CPUC).

A public meeting will be held on Thursday, May 24, 1979, by DOE and CPUC in order to obtain information from all interested parties regarding the scope of the subject EIS. The meeting will be held at the San Diego Convention and Performing Arts Center, Silver Room, 202 C St., San Diego, California 92101. The meeting will convene at 10:00 a.m. and proceed until all speakers have been heard. There will be a one-hour recess for lunch. The meeting will reconvene at 7:00 p.m. to accommodate speakers who are unable to attend the day session.

All interested parties are invited to attend and submit comments or suggestions in connection with the preparation of the EIS. Written comments or suggestions may be submitted in lieu of or in addition to participation at the scoping meeting. Upon completion of the draft EIS, the DOE will announce availability of the document and the comment period during which public reaction will be solicited.

#### ADDRESS FOR WRITTEN COMMENTS AND FOR NOTIFICATION OF INTENT TO PARTICIPATE AT EIS SCOPING MEETING:

James M. Brown, Chief, System Reliability and Emergency Response Branch, Economic Regulatory Administration, Department of Energy, 2000 M St., N.W., Room 538—Vanguard Building, Washington, D.C. 20461—(202) 634-5620.

**SUPPLEMENTARY INFORMATION:** On April 2, 1979, the San Diego Gas and Electric Company (SDG&E) applied to the ERA of the DOE for a Presidential Permit pursuant to Executive Order 10485. Notice of the receipt of this application

[ERA Docket No. 79-CERT-008]

[FR Doc. 79-14895 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

### Application of San Diego Gas and Electric Co. for Permit To Construct an Electric Intertie With Mexico; Intent To Prepare Environmental Impact Statement and Conduct Scoping Meeting

AGENCY: Department of Energy.

**ACTION:** Notice of Intent to Prepare Environmental Impact Statement and to conduct a meeting to determine the scope of that Environmental Impact Statement.

**SUMMARY:** The Economic Regulatory Administration of the Department of Energy (DOE) announces that it has begun the preparation of a draft environmental impact statement (EIS),

was published in the *Federal Register* on April 26, 1979, at 44 FR 24625.

SDG&E requires the permit in order to construct and maintain a 230 kV transmission line, which will cross the Mexican border and interconnect the Company's system with that of the Republic of Mexico. CPUC also has jurisdiction over the construction of this transmission line. Therefore, DOE and CPUC have determined to jointly prepare an environmental impact statement as input for their respective decisions with respect to that transmission line.

The meeting will not be conducted as an evidentiary hearing, and, therefore, those who choose to make statements will not be cross examined. To provide the DOE with as much pertinent information as possible, and to provide all interested persons with the opportunity to participate:

1. Participants will be called on to speak in the order they submit notification to DOE of their intent to speak.

2. Speakers will be allotted a specific time for their oral statements. Should any speaker desire to provide further information for the record, it may be submitted in writing within ten days subsequent to the meeting. Written comments will be considered and given equal weight with oral comments.

3. A transcript of the meeting will be retained by DOE and made available for inspection at the Freedom of Information Library, Room GA152, Forrestal Bldg., 1000 Independence Ave., N.W., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Anyone may make arrangements with the court reporter to purchase a copy of the transcript.

Dated: May 11, 1979.

Jerry L. Pfaffer,

Acting Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[FR Doc. 79-15435 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

### Northwest Alaskan Pipeline Co.— Rules Implementing Equal Opportunity; Informal Public Conference

Issued May 11, 1979.

The Federal Energy Regulatory Commission announces an informal public conference to elicit comment on the scope of the Commission's responsibility for the development of regulations, and the content thereof, that

would implement Section 17 of the Alaska Natural Gas Transportation Act (ANGTA), 15 U.S.C. § 7190, and other applicable provisions of law. These provisions cover equal employment opportunity and minority business participation in the construction of the Alaska Natural Gas Transportation System (ANGTS).

#### A. Background

National policy, as expressed in ANGTA and the President's *Decision*,<sup>1</sup> contemplates the construction and operation by the early 1980's of the Alaska Natural Gas Transportation System. This pipeline system is projected to total 4,800 miles, originating on the North Slope of Alaska and passing through Canada to the lower 48 states. By 1990, this system is expected to deliver about 2.4 billion cubic feet (bcf) of natural gas per day to markets in the lower 48 states. With capital costs estimated at \$10.5 to \$13.9 billion,<sup>2</sup> the project will be the largest privately financed project in history. In addition, direct and indirect employment is projected, at its peak, to be between 10,000 and 11,000.<sup>3</sup>

The pipeline system in the U.S. will be built by three major pipeline companies. The Alaska segment, from Prudhoe Bay to the Yukon Border, will be constructed by the Northwest Alaskan Pipeline Company, a subsidiary of the Northwest Pipeline Corporation. In Alberta, the pipeline will divide into two segments—the Western Leg that will run through the western U.S. to a terminus near San Francisco, and the Eastern Leg, called the Northern Border segment, that will cross the northern plains states to a terminus near Dwight, Illinois. The Western Leg will be built by the Pacific Gas Transmission Company a subsidiary of Pacific Gas and Electric. The Eastern Leg, or Northern Border segment, will be built by the Northern Border Pipeline Company, which is owned by the Northern Natural Gas Company.

Construction and operation of this project will require a variety of certificates, permits, or agreements from at least five agencies of the U.S. Government: the Federal Energy Regulatory Commission, the Department of the Interior, the Department of

<sup>1</sup> Decision and Report to Congress on the Alaska Natural Gas Transportation System (September 1977), Condition No. 11, p. 31. Issued pursuant to Section 7 of ANGTA and approved by joint Resolution of Congress, H.R.J. Res. 621, Pub. L. No. 95-158, 91 Stat. 1288 (1977), the *Decision* has the full force of law.

<sup>2</sup> *Decision*, p. 157.

<sup>3</sup> Recommendation to the President, Alaska Natural Gas Transportation System (May 1, 1977), VI-15.

Transportation, the Environmental Protection Agency, and the U.S. Army Corps of Engineers. The authorizations issued by these agencies may be conditioned with requirements on project design and safety, construction costs, environmental impact, etc., and may include civil rights conditions. The jurisdiction to enforce the certificates and other permits will be transferred to the Office of the Federal Inspector provided for in the President's *Decision* and further specified in *Reorganization Plan No. 1 of 1979*.<sup>4</sup> The *Decision* requires that all the certificates, permits and authorizations be expedited and given priority by every agency.<sup>5</sup>

#### B. Equal Opportunity/Minority Business Enterprise

Congress and the President have directed, by Section 17 of ANGTA and by Condition No. 11 of the President's *Decision*, that Federal agencies make explicit provision for equal opportunity and affirmative action in the construction and operation of ANGTS.

Specifically, Section 17 states:

All Federal officers and agencies shall take such affirmative action as is necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving or participating in any activity conducted under, any certificates, permit, right-of-way, lease, or other authorization granted or issued pursuant to this Act. The appropriate Federal officers and agencies shall promulgate such rules as are necessary to carry out the purposes of this section and may enforce this section, and any rules promulgated under this section through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

Condition No. 11 (at p. 31) of the President's *Decision* further directs:

#### Minority Business Enterprise Participation

11. The successful applicant shall develop and submit to the Federal Inspector for approval a plan for taking affirmative action to ensure that no person shall on the grounds of race, creed, color, national origin or sex be excluded from receiving or participating in contracts for management, engineering design or construction activity. The successful applicant shall require each of his contractors and subcontractors having contracts valued at \$150,000 or more to develop similar plans providing the assurances specified in the preceding sentence.

In the case of the FERC, any final certificates of public convenience and necessity awarded to the project sponsors shall be issued subject to such

<sup>4</sup> The *Reorganization Plan* was submitted to Congress on April 2, 1979, and is currently under consideration by the Congress.

<sup>5</sup> *Decision*, n. 42.

conditions as are necessary to implement Section 17. The FERC is now considering how to structure the relevant conditions and, in cooperation with other agencies having authority over the construction and operation of ANGTS, is now developing conditions to implement Section 17 of ANGTA.

### C. Scope of Conference Agenda

The specific language of Section 17 establishes that the FERC has both the obligation and the authority to deal with issues of equal opportunity and affirmative action in this pipeline project. The specific purpose of this conference is to discuss how, as a matter of legally valid regulatory procedure and as a matter of administrative efficiency, the development of these equal opportunity/affirmative action conditions can best be integrated into the certification process before the FERC. Comments are invited to address the major question of critical concern:

What would be the most effective procedure for achieving significant and beneficial results under Section 17, in light of the unique scale of ANGTS and the urgency for completion of the project?

Any interested party may wish to raise other issues pertinent to the central question. Several sub-issues which parties are urged to consider are listed below.

1. Since construction of the Alaska oil pipeline is the most analogous recent experience and since regulations on equal opportunity were developed for the oil pipeline (43 CFR Part 27), what lessons—both as what to do and as what to avoid—should we learn from that experience?

2. Since the pipeline system will be constructed in three segments by three pipeline companies (Northwest Alaskan, Pacific Gas Transmission, and Northern Border Pipeline) would it be better to have one set of rules for the entire pipeline project or different sets of rules for the different segments?

3. How can significant and attainable objectives and methods be developed with regard to equal opportunity in employment on this proposed system?

4. How can significant and attainable objectives and methods be developed with regard to opportunities for minority business enterprise participation on this proposed system?

5. What are the best means of determining, in advance, whether any particular regulatory approach is likely to be productive?

a. For example, on what basis should the Government establish, in advance

comprehensive requirements as to what the projects sponsors', contractors' and sub-contractors' affirmative action plans should contain?

b. How detailed should reports be of on-going action during construction?

c. How much is the ordinary equal opportunity/affirmative action procedure directly useful in this case?

d. What degree and type of consultation between Government agency personnel and project sponsor personnel would be helpful in determining specific goals and methods?

6. How flexible can Section 17 rules be to allow for the expeditious completion of ANGTS while guaranteeing that the purpose of Section 17 is carried out?

7. How can the responsibilities of the project sponsors under section 17, including their responsibilities within administrative requirements, be reconciled with necessary managerial discretion?

8. What should be the content of project sponsors' plans for the utilization of minority and female business enterprises?

9. What levels of technical assistance, if any, should the project sponsors, their contractors, and subcontractors be required to provide to minority and female businesses?

10. Section 17 of ANGTA and the President's *Decision* contemplate that affirmative action plans will be filed by contractors and subcontractors as well as by the project sponsors.

a. To what extent, if at all, should the contractors' and subcontractors' affirmative action plans differ from those of project sponsors?

b. Should the plans of major contractors be reviewed by the Government prior to the award of the contracts?

11. What means of feedback are available to discover how regulations are working and to make timely corrective action possible?

12. What mechanisms are available, or can be developed, within the procedural constraints of applicable law, to make available to the FERC the information, advice and counsel of both public sector and private sector organizations with competence on the various relevant issues?

### D. Procedures

The conference will begin at 9:00 am, Monday May 21, 1979, in a hearing room of the Commission, at the Commission's offices, 825 North Capitol Street, NE, Washington, D.C. Commissioner Matthew Holden, Jr. will preside, and will be joined by a panel of FERC staff

and/or other Government agency representatives. The room number of the hearing room will be posted on the day of the conference.

Comments may be made orally or in writing, or both. Persons who have similar interests or arguments are encouraged to consolidate their statements to the extent possible, since time will be limited. Oral statements will be restricted to a maximum of fifteen minutes duration. Cross-examination will not be provided, and questioning will be limited to the presiding Commissioner and the panel. Commissioner Holden reserves the opportunity, subject to experience in the first part (morning) of the conference, to convene the interested participants in a round-table discussion in the afternoon, if the range of positions has been sufficiently well-defined and if round-table discussion may produce information that would clarify the Commission's decision-making responsibilities.

Written comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, and should reference Docket Nos. CP78-123, *et al.* Any comments received will be included in a public reading file in the Commission's Office of Public Information. Parties who desire to make oral presentations on May 21, 1979, should contact the Secretary of the Commission not later than 12 noon, Friday, May 18, 1979. Those who intend to make oral statements are requested to bring copies of any written comments they have for distribution to the conference participants on May 21, and to submit copies to the Office of the Secretary for the Commission's official files.

By direction of the Commission.

Kenneth F. Plumb,  
Secretary.

[Docket Nos. CP78-123, *et al.*]

[FR Doc. 79-15328 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### Water Quality Criteria; Corrections

In FR Doc. 79-7647, Thursday, March 15, 1979 at 44 FR 15926, EPA published and invited comment on Water Quality Criteria. In that document a number of errors appeared which need correction. The corrections are listed below.

1. Arsenic. Page 15931, right hand column: 3rd line from bottom, change "docuement" to document.

2. Arsenic. Page 15933, left hand column: under Summary of Pertinent

Data, Reference for Tseng et al. in 1968,<sup>2</sup> the reference is missing and should appear as a footnote as follows: <sup>2</sup> Tseng, W. P., et al. 1968. Prevalence of skin cancer in an endemic area of chronic arsenicism in Taiwan. J. Nat. Cancer Institute. 40:453.

3. Arsenic. Page 15933, middle column: equation (2), change (2)  $F(x,t) = 1 - \exp[-\int_0^t \lambda(x,s) ds]$  to (2)  $F(x,t) = 1 - \exp[-\int_0^t \lambda(x,s) ds]$ .

4. Arsenic. Page 15933, middle column: 9 lines from bottom, Reference for Doll (1971),<sup>3</sup> the reference is missing and should appear as a footnote as follows: <sup>3</sup> Doll, R. 1971. The age distribution of cancer: Implications for models of carcinogenesis. J. Roy. Statistical Soc. 13:133-166.

5. Arsenic. Page 15933, right hand column: line 8, change 1.2 µg/l to 1.2 mg/l.

6. Arsenic. Page 15933, right hand column: line 14 equation (4), change  $\ln(-\ln[1-F(x,t)]) - \ln(3) + m \ln(x) + v \ln(t)$  to  $\ln(-\ln[1-F(x,t)]) - \ln(B) + m \ln(x) + v \ln(t)$ .

7. Arsenic. Page 15933, right hand column: line 20 equation (5), change (5)  $\ln(-\ln[1-F(x,t)]) = -17.548 + 1.192 \ln(x) + 3.881 \ln(t)$  to (5)  $\ln(-\ln[1-F(x,t)]) = -17.548 + 1.192 \ln(x) + 3.881 \ln(t)$ .

8. Arsenic. Page 15933, right hand column: line 25 equation (6), change (6)  $F(x,t) = 1 - \exp[-10^{-7} \times .2429 \times x^{1.192} t^{3.881}] = 1 - \exp[-E(t) \times x^{1.192} t^{3.881}] + 06$  to  $F(x,t) = 1 - \exp[-10^{-7} \times .2429 \times x^{1.192} t^{3.881}] = 1 - \exp[-H(t) \times x^{1.192} t^{3.881}]$ .

9. Arsenic. Page 15933, right hand column: line 31, change (i.e. Eo: m=1) to (i.e. Ho: m=1).

10. Arsenic. Page 15934, left hand column: line 22, change  $Q2(\ ) = Bx / (Bx + p^v)$  to  $Q2(\ ) = Bx / (Bx + p^v)$ .

11. Arsenic. Page 15934, left hand column: line 29, change  $Q2(\ ) = 2.41423 X / 2.41423 X + 6.02793$  to  $Q2(\ ) = 2.41423 X / 2.41423 X + 6.02793$ .

12. Arsenic. Page 15934, left hand column: line 33, change  $x = 2.4969 \times 10^{-5}$  µg/liter to  $x = 2.4969 \times 10^{-5}$  mg/liter.

13. Arsenic. Page 15934, right hand column: line 22, change  $(2 + .0267 \times 15) = .0384 \mu g t o$  to  $(2 + .0267 \times 15) = .0384 \mu g$ .

14. Benzene. Page 15935, left hand column: after line 11, insert BENZENE.

15. Benzene. Page 15935, left hand column: 6th line from bottom, change Fial to Final.

16. Benzene. Page 15936, middle column: 6th line from bottom, change  $B = 0.02407$  to  $B = 0.024074$ .

17. Benzene. Page 15936, right hand column: line 6, change  $3.25 \times 10^{-3} \mu g / m^3$  to  $3.25 \times 10^3 \mu g / m^3$ .

18. Benzene. Page 15936, right hand column: line 10, change  $4.154 \times 10^{-4} ppm \times 3.25 \times 10^3 mg / m^3$  per ppm to  $4.154 \times 10^{-4} ppm \times 3.25 \times 10^3 \mu g / m^3$  per ppm.

19. Beryllium. Page 15936, right hand column: lines 31 and 32, delete: (see the figure "24-hour average beryllium concentration vs. hardness").

20. Beryllium. Page 15936, right hand column: lines 35 and 36, delete: (see the figure "maximum beryllium concentration vs. hardness").

21. Beryllium. Page 15937, middle column: lines 14 and 15 delete: As can be seen in Tables 1 and 2, Following sentence should read: Cancer has been produced by inhalation, \* \* \*

22. Beryllium. Page 15937, middle column: line 31, insert all of the following after \* \* \* "one experimental" and before "that, 2)": study by ingestion of beryllium. However, beryllium has definitely been shown to induce osteosarcomas in rabbits following intravenous administration. Therefore, it is possible that cancer would be induced in humans if a large enough amount of beryllium were ingested. The occurrence of beryllium rickets after ingestion of food supplemented with beryllium sulfate shows that toxic amounts can be absorbed. In addition, reported data that show that 0.35 percent of ingested beryllium is retained in the tissue of rats after 24 weeks of feeding.

The only experiments conducted to date in which beryllium was ingested over a long period of time were those of Schroeder and Mitchner. Five ppm beryllium was added to the food and water of rats for a lifetime. Although Schroeder and Mitchner found no statistically significant difference in tumor frequency between controls and experimental rats and mice, there was a slight excess of lymphoma leukemias in the treated group compared to the controls.

The high frequency of osteosarcomas induced in rabbits given Be intravenously, the results of mutagenicity studies, and the ingestion-uptake-retention studies of Be, comprised a strong argument that Be-laden water poses a carcinogenic risk.

Although the Schroeder and Mitchner "lymphoma leukemia" experiment showed an effect significant at the .09 level, this result is sufficient to calculate a criterion level as long as it is

remembered: (1) that it is not the Schroeder and Mitchner, but the previously mentioned results that establish that Be poses a carcinogenic risk to man, and \* \* \*

23. Cadmium. Page 15938, middle column: lines 28 and 29, delete: (see the figure "24-hour average cadmium concentration vs. hardness").

24. Cadmium. Page 15938, middle column: lines 32-34, delete: (see the figure "maximum cadmium concentration vs. hardness").

25. Cadmium. Page 15938, middle column: line 40, change Final Acute =  $e^{(1.30 \cdot (\text{hardness}) - 3.92)}$  to Final Acute =  $e^{(1.30 \cdot (\text{hardness}) - 3.92)}$ .

26. Cadmium. Page 15939, left hand column: 7th line from the bottom, change appendices of this document to appendices of the cadmium document.

27. Cadmium. Page 15939, right hand column: 15th line from bottom, change "1.0 µg to 10.1 µg" (to) 1.9 µg to 10.1 µg.

28. Carbon Tetrachloride. Page 15941, left hand column: line 13, change "othe" to other.

29. Carbon Tetrachloride. Page 15941, left hand column: line 33, change  $0.44 \times \text{Final Value} = 620 \mu g / l$  to  $0.44 \times \text{Final Acute Value} = 620 \mu g / l$ .

30. Carbon Tetrachloride. Page 15942, left hand column: end of first paragraph and before CHLORDANE, add,

#### Summary of Pertinent Data

The NCI (1976) bioassay for trichloroethylene also reported that male mice receiving carbon tetrachloride by gavage at 1250 mg/kg 5 days per week for 78 weeks had a 100 percent incidence of liver tumors at 92 weeks, when the experiment was terminated, whereas only 5 out of 77 control mice had these tumors. Using a fish bioconcentration factor of 69, the parameters of the extrapolation model are:

$n_t = 48.5$ ,  $N_t = 49$ ,  $n_c = 5$ ,  $N_c = 77$ ,  $LE = 92$  weeks,  $le = 78$  weeks,  $d = 1250 \text{ mg/kg} \times 5 / 7 = 892.9 \text{ mg/kg/day}$ ,  $w = .028 \text{ kg}$ ,  $L = 92$  weeks,  $R = 69$ .

The result is that the water concentration should be less than 2.63 µg/l in order to keep the individual lifetime risk below  $10^{-5}$ .

1. National Cancer Institute, 1976. Carcinogenesis bioassay of trichloroethylene. CAS No. 79-01-6, NCI-CG-TR-2. U.S. Dept. of Health, Edu., and Welfare.

31. Chlordane. Page 15942, middle column: lines 13 and 14, change 1.2 µg/l, 0.12 µg/l, and 0.012 µg/l to 1.2 ng/l, 0.12 ng/l, and 0.012 ng/l.

32. Chlordane. Page 15943, left hand column: line 14, change

$$\frac{0.5 \text{ mg} \times 10 \text{ m}^3 \text{ T1} \times 5 \text{ d work week} \times 1}{\text{m}^3 \text{ workday} \text{ mg/day} \text{ 7d week} \text{ 5}} = 0.7$$

to

$$\frac{0.5 \text{ mg}}{\text{m}^3} \times \frac{10 \text{ m}^3}{\text{workday}} \times \frac{5 \text{ d work week} \times 1}{7 \text{ d work week} \text{ 5}} = 0.7 \text{ mg/day.}$$

33. Chlordane. Page 15943, middle and right hand columns: table, change all ( $\mu\text{g/l}$ ) to ( $\text{ng/l}$ ).

34. Chlorinated-Naphthalenes. Page 15944, left hand column: line 49, change derived to derived.

35. Chloroform. Page 15946, left hand column: 2nd line from bottom, change  $N_T=45$  to  $N_i=45$ .

36. Chloroform. Page 15946, left hand column: last line, change  $n_c=1$  to  $n_c=1$ .

37. Chloroform. Page 15946, middle column: line 19, change  $NC=80$  to  $N_c=80$ .

38. 2-chlorophenol. Page 15946, right hand column: 2nd line from bottom, change cern-able to cernable. Change None of these studies to Neither of these studies.

39. Dichlorobenzenes. Page 15948, middle column: 15th line from bottom, change ( $ADI=18.8 \times 70=1.316$ )/1000 to ( $ADI=18.8 \times 70/1000=1.316$ ).

40. Dichloroethylenes. Page 15949, left hand column: line 11, change or 10-7 to  $10^{-7}$ .

41. Dichloroethylenes. Page 15950, left hand column: lines 13+14, after  $0.44 \times$  Final Acute Value = not available and before under the Consent Degree in NRDC, add: Human Health.

42. Dichloroethylenes. Page 15950, middle column: 18th, 17th, 16th and 15th line from bottom, change  $nt=16$  to  $n_t=16$ ; change  $NT=16$  to  $N_t=16$ ; change  $nc=0$  to  $N_c=0$ ; change  $NC=126$  to  $N_c=126$ .

43. Dichloroethylenes. /Page 15950, right hand column: line 12, change  $\text{ppm} \times 24 \text{ m}^3/\text{day} = 2.7677 \mu\text{g/day}$  to  $\text{ppm} \times 24 \text{ m}^3/\text{day} = 2.7677 \mu\text{g/day}$ .

44. 2,4-Dichlorophenol. Page 15951, middle column: lines 1 and 2, change

$$\frac{2 \times 500 \mu\text{g/day}}{2 + (37 \times 0.0187)} = 371 \mu\text{g/day}$$

to

$$\frac{2 \times 500 \mu\text{g/day}}{2 + (37 \times 0.0187)} = 371 \mu\text{g/day}$$

45. Fluoranthene. Page 15952, left hand column: last line, change fluoran-threne to fluoranthene.

46. Heptachlor. Page 15954, left hand column: lines 34-37, change  $nt=77$  to  $n_t=77$ ; change  $NT=81$  to  $N_t=81$ ; change  $nc=2$  to  $n_c=2$ ; change  $NC=54$  to  $N_c=54$ .

47. Hexachlorocyclopentadiene. Page 15956, left hand column: line 19, change equivalent to equivalent.

48. Lead. Page 15956, right hand column: lines 16 and 17, delete: (see the figures "24-hour average lead concentration vs. hardness").

49. Lead. Page 15956, right hand column: lines 18-20, delete: (see the figure "maximum lead concentration vs. hardness").

50. Lead. Page 15956, right hand column: lines 41, change . . . 1n (Hardness)—1.37) to 1n (Hardness)—3.37.

51. Nitrosamines. Page 15958, right hand column: 20th line from bottom, after maximum tolerated dose for man and Criteria Summary: add, NITROSAMINES.

52. Nitrosamines. Page 15961, left hand column: 13th line from bottom, change  $NC/N_c=0$  to  $n_c/N_c=0$ .

53. Nitrosamines. Page 15961, left hand column: lines 21-21, change

$$\frac{K=0.81 \times 10^4 \text{ mM/Kg/day} \times 74 \text{ mg/mM}}{(728) 2.2} = 0.30271$$

54. Nitrosamines. Page 15961, left hand column: line 26, change  $n_t/N_t=0.05$  to  $n_t/N_t=0.5$ .

55. Nitrosamines. Page 15961, left hand column: 6th line from bottom, change  $dt^m=0.6(3dd/730^{2.3})=0.114$  to  $dt^m=0.6(355/730)=0.114$ .

56. Nitrosamines. Page 15961, middle column: line 22, change  $R=)$  to  $R = O$ .

57. Nitrosamines. Page 15961, middle column: line 44, change  $nt = 31$  to  $n_t=31$ .

58. Pentachlorophenol. Page 15961, right hand column: line 14, change  $140 \mu\text{g/l}$  to  $680 \mu\text{g/l}$ .

59. Pentachlorophenol. Page 15962, middle column: lines 1 and 2, change  $2.10 \text{ mg} = \text{limit on daily exposure for a 70 mg person (ADI)}$  to  $2.10 \text{ mg} = \text{limit on daily exposure for a 70 Kg person (ADI)}$ .

60. Pentachlorophenol. Page 15962, middle column: line 4, change  $0.0187 \text{ mg} = \text{amount of fish consumed}$  to  $0.0187 \text{ Kg} = \text{amount of fish consumed}$ .

61. Selenium. Page 15962, right hand column: 5th and 6th line from bottom, change at  $100 \text{ mg per kilogram}$  (equivalent to  $400 \text{ ppm}$  of selenium alone) to a dose of  $100 \text{ mg/kilogram}$  body weight per day (equivalent to  $400 \text{ ppm}$  of selenium in the diet).

62. Selenium. Page 15963, right hand column: line 35, change low as  $16 \text{ mg}$  selenium intake per day to low as  $16.1 \text{ mg}$  selenium intake per day.

63. Silver. Page 15964, middle column: line 21, change Acute Value of  $0.26 \mu\text{g/l}$  to Acute Value which is  $0.26 \mu\text{g/l}$ .

64. Silver. Page 15964, middle column: line 47, change  $\text{Concentration} > \text{tration} = \text{not available}$  to  $\text{Concentration} = \text{not available}$ .

65. 2,3,7,8-Tetrachlorodibenzo-p-dioxin. Page 15965, table: change Consumption of fish and shellfish only \* \* \*  $0.463 \times 10^{-9}$   $4.6310 \times 10^{-8}$   $44.6310 \times 10^{-7}$  to  $0.463 \times 10^{-9}$   $4.63 \times 10^{-9}$   $4.63 \times 10^{-8}$   $4.63 \times 10^{-7}$ .

66. Trichloroethylene. Page 15969, left hand column: line 15, delete: Criterion.

67. Trichloroethylene. Page 15969, right hand column: 28th, 27th, 26th and 25th line from bottom, change  $nt=28$  to  $n_t=28$ ; change  $NT=50$  to  $N_t=50$ ; change  $nc=1$  to  $n_c=1$ ; change  $NC=20$  to  $N_c=20$ .

68. Vinyl chloride. Page 15970, right hand column: 16th line from bottom, change  $1.054 \text{ mg/kg/day}$   $2 + 1.9(0.0187) = 0.517 \text{ mg/l}$  to  $1.054 \text{ mg/Kg/day} + 1.9(0.0187) = 0.517 \text{ mg/l}$ .

69. APPENDIX C. Page 15979, middle column: lines 11 and 13, change  $X \text{ mg/}$



kg/ to x mg/Kg/ and change  $P = BX$  to  $P = Bx$ .

70. APPENDIX C. Page 15979, middle column: line 33, change  $=C(0.0187 \times RxZ)$ , to  $=C(0.0187) \times R + 2$ .

71. APPENDIX C. Page 15979, middle column: last line, change model is to model was.

72. APPENDIX C. Page 15979, right hand column: line 1, change For these cases an equivalent -to- For these cases (Denoted by an \*) an equivalent.

73. APPENDIX C. Page 15979, right hand column: line 3, change a summary for a criterion -to a summary for the criteria.

74. APPENDIX C. Page 15979, right hand column: table, change slope factor,  $B(\text{mg/l/day})^{-1}$  to slope factor,  $(\text{mg/Kg/day})^{-1}$ ; change carbon tetrachloride \* \* \* 0.090996 to \* \* \* 0.080996; change Tetrachlorodioxin \* \* \* 13923 to \* \* \* 13,923; change Benzene \* \* \* 0.15 to 15.

75. APPENDIX C. Page 15979, right hand column: under 1. Information from chronic study, change nt to  $n_i$ ; change NT to  $N_i$ ; change nc to  $n_c$ ; change NC to  $N_c$ .

76. APPENDIX C. Page 15979, right hand column: 4th line from bottom, change  $P_t = nt - NT$  to  $P_t = n_i/N_i$ .

77. APPENDIX C. Page 15979, right hand column: 6th line from bottom, change  $P_t = P_c + (1 - P_c) \times [1 - e^{-t/38D}]$  to  $P_t = P_c + (1 - P_c) \times [1 - e^{-t/38D}]$ .

78. APPENDIX C. Page 15979, right hand column: 2nd line from bottom, change  $P_c = nc - N_c$  to  $P_c = n_c/N_c$ .

Dated: April 23, 1979.

Thomas C. Jorling,

Assistant Administrator for Water and Waste Management,

[FRL 1215-5]

[FR Doc. 79-15191 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-

### Pesticide Programs; Receipt of Application To Register Pesticide Product Containing New Active Ingredient

M&T Chemicals Inc., PO Box 1104, Rahway, NJ 07065, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product BIOMET 300 (EPA File Symbol 5204-AG), containing 50.0% of the active ingredient poly(methylmethacrylate-co-butyltin methacrylate) which has not been included in any previously registered pesticide product. The pesticide is for manufacturing use only for formulating antifouling marine paints. Notice of this application is given

pursuant to the provisions of 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 this application does not indicate a decision by the Agency on the application. Interested persons are invited to submit written comments on this application to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401 East Tower, 401 M St., SW, Washington, DC 20460. The comments must be received on or before June 15, 1979 and should bear a notation indicating the EPA File Symbol "5204-AG". 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 delaying processing of the application. Specific questions concerning this application and the data submitted should be directed to Product Manager (PM) 23, Registration Division (TS-767), Office of Pesticide Programs, at the above address or by telephone at 202/755-1397. The label furnished by M&T Chemicals Inc., 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 this application to register BIOMET 300 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: May 10, 1979.

Douglas D. Camp,

Director, Registration Division,

[FRL 1226-2; OPP-30184]

[FR Doc. 79-15299 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

### Renewal of Temporary Tolerances Chlorthiophos

In response to a pesticide petition (PP 8C2004) submitted to the Environmental Protection Agency by EM Laboratories, Inc., 500 Executive Blvd., Elmsford, NY 10523, temporary tolerances were

established for combined residues of the insecticide chlorthiophos, a mixture of three isomers: *O*-[2,5-dichloro-4-(methylthio)phenyl] *O,O*-diethyl phosphorothioate, *O*-[2,4 (2,5 or 4,5)-dichloro-5 (4 or 2)-methylsulfone]phenyl] *O,O*-diethylphosphorothioate, and *O*-[2,4 (2,5 or 4,5)-dichloro-5 (4 or 2)-(methylthio)phenyl] *O,O*-diethylphosphate [*O*-isolog] in or on the raw agricultural commodities grapes at 2 parts per million (ppm) and peaches at 1 ppm. These temporary tolerances expired April 12, 1979.

EM Laboratories, Inc., requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permits 21137-EUP-1 and 2 that have been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been renewed on condition that the pesticide is used in accordance with the experimental use permits with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. EM Laboratories 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.

These temporary tolerances expire April 12, 1980. Residues not in excess of 2 ppm remaining in or on grapes and 1 ppm remaining in or on peaches after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary tolerances. These temporary tolerances may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Frank Sanders, Product Manager 12, Registration Division (TS-767),

Office of Pesticide Programs, 401 M St. SW, Washington, DC 20460 (202/426-9425).

Dated: May 10, 1979.

(Section 408(j) of the the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

Douglas D. Camp, Jr.  
Director, Registration Division.

[FRL 1227-3; PP 86 2004/T205]

[FR Doc. 79-15305 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

### Water Quality Standards; Navigable Waters of the State of Alaska

AGENCY: Environmental Protection Agency.

ACTION: Notice of State Water Quality Standards Approval.

**SUMMARY:** The Environmental Protection Agency has approved the water quality standards revisions adopted by the State of Alaska. These revisions become part of the State's water quality standards contained in the document, "Water Quality Standards for the State of Alaska."

**FOR FURTHER INFORMATION CONTACT:** Water Division, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101.

**SUPPLEMENTAL INFORMATION:** On March 15, 1979 the EPA, Region X approved the water quality standards revisions adopted by the State on December 14, 1978. This action was taken in accordance with section 303(c) of the Clean Water Act (33 USC 1313(c)). These revisions are consistent with the Agency's WQS regulations at 40 CFR 130.17.

**AVAILABILITY:** Copies of the Alaska water quality standards may be obtained at no cost from the Alaska Department of Environmental Conservation Pouch O, Juneau, Alaska 99801.

Authority: Section 303(c) of the Clean Water Act, as amended (33 U.S.C. 1313(c)).

Dated: May 11, 1979.

Thomas C. Jorling,  
Assistant Administrator for Water and Waste Management.

[FRL 1226-7]

[FR Doc. 79-15300 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

### Water Quality Standards; Navigable Waters of the State of Ohio

AGENCY: Environmental Protection Agency.

ACTION: Notice of State Water Quality Standards Approval.

**SUMMARY:** The Environmental Protection Agency has approved the water quality standards revisions adopted by the State of Ohio for the Mahoning River basin. These revisions become part of the State's water quality standards contained in the document(s) listed below: Water Quality Standards, Chapter 3745-1-14 of the Ohio Revised Code.

**FOR FURTHER INFORMATION CONTACT:** Water Division, Environmental Protection Agency, Region V, 230 S. Dearborn Street, Atlanta, Georgia 30309.

**SUPPLEMENTAL INFORMATION:** On February 6, 1979 the EPA, Region V approved the Mahoning River Basin water quality standards revisions adopted on November 14, 1978. This action was taken in accordance with section 303(c) of the Clean Water Act (33 USC 1313(c)). These revisions are consistent with the Clean Water Act as interpreted in the Agency's WQS regulations at 40 CFR 130.17.

**AVAILABILITY:** A copy of the full text of the regulations has been sent to the public library in the county seat of each county. The document may be obtained by contacting the Hearing Clerk, Ohio EPA, 5th Floor, 361 East Broad, Columbus, Ohio 43215 (614-466-6037). This document is available at no cost to the public.

Authority: Section 303(c) of the Clean Water Act, as amended (33 U.S.C. 1313(c)).

Dated: May 11, 1979.

Thomas Jorling,  
Assistant Administrator for Water and Waste Management.

[FRL 1226-8]

[FR Doc. 79-15301 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

### Water Quality Standards; Navigable Waters of the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of State Water Quality Standards Approval.

**SUMMARY:** The Environmental Protection Agency has approved the ocean water quality standards revisions adopted by the State of California. These revisions become part of the State's water quality standards contained in the document "1978 Water Quality Control Plan for Ocean Waters of California."

**FOR FURTHER INFORMATION CONTACT:** Mr. Frank Covington, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94111.

**SUPPLEMENTAL INFORMATION:** On June 30, 1978, EPA, Region IX, approved the water quality standards revisions to the

California Ocean Plan adopted by the State on January 19, 1978. This action was taken in accordance with section 303(c) of the Clean Water Act (33 USC 1313(c)). These revisions are consistent with the Clean Water Act as interpreted in the Agency's WQS regulations at 40 CFR 130.17.

**AVAILABILITY:** Copies of the water quality standards may be obtained at no cost by writing to the California State Water Resources Control Board, P.O. Box 100, Sacramento, California 95801.

Authority: Section 303(c) of the Clean Water Act, as amended (33 U.S.C. 1313(c)).

Dated: May 11, 1979.

Thomas Jorling,  
Assistant Administrator for Water and Waste Management.

[FRL 1227-1]

[FR Doc. 79-15302 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

### Alaska and North Dakota; Issuance of Specific Exemption To Use Trifluralin To Control Broadleaf Weeds and Grasses in Rape

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemptions.

**SUMMARY:** EPA has issued specific exemptions to the Alaska Department of Natural Resources and the North Dakota Department of Agriculture (hereafter referred to as "Alaska" and "North Dakota") to use Treflan EC (trifluralin) to control broadleaf weeds and grasses in rape.

**FOR FURTHER INFORMATION CONTACT:** Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460. Telephone: 202/755-4851. It is suggested that interested persons telephone before visiting the EPA headquarters so that the appropriate files may be made conveniently available for review purposes.

**SUPPLEMENTARY INFORMATION:** Rape does not compete well against weed species. Broadleaf weeds and grasses reduce stand density, vigor, and seed yield by their competition for water, nutrients, space, light, and heat. They also increase production costs by increasing the harvesting and processing costs. There is no herbicide registered for use in rape. Alaska indicates that the only alternative to use of Treflan is the mowing of fields after seedlings and weeds are well established. This reduces yields by delaying maturity of rape in to cold fall weather. This process

is not economical and jeopardizes harvest, according to Alaska.

Alaska estimates losses could amount to \$175,000 if Treflan is not used this year. North Dakota estimates losses could amount to \$1.4 million without Treflan.

Both Alaska and North Dakota proposed to apply Treflan EC (EPA Reg. No. 1471-35) in a single pre-plant application at a rate of 0.5 to 1.0 pound active ingredient (a.i.) per acre. Application will be followed by incorporation into the soil. Alaska will make ground or aerial application on a total of 1,000 acres in the Tanana-Yukon River Valleys, Matanuska-Susitna River Valleys, and the western Kenai Peninsula. North Dakota will make ground application on up to 60,000 acres of rape.

The residue levels of trifluralin in or on rape seed and rape straw are not expected to exceed 0.01 part per million (ppm). The EPA has determined that this level is adequate to protect the public health. No adverse effects to the environment are anticipated from this use of trifluralin.

After reviewing the applications and other available information, EPA has determined that (a) pest outbreaks of broadleaf weeds and grasses in rape have occurred or are about to occur; (b) there is no pesticide presently registered and available for use to control broadleaf weeds and grasses in Alaska and North Dakota; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if these pests are not controlled; and (e) the time available for action to mitigate the problems is insufficient for a pesticide to be registered for this use. Accordingly, Alaska and North Dakota have been granted specific exemptions to use the pesticide noted above until July 1, 1979 to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. A single pre-plant application of the product Treflan EC may be made at dosage rates of one-half to one pound a.i. per acre;

2. Application must be made by ground equipment in a spray mixture of five to forty gallons of water per acre, or by air in Alaska in a spray mixture of five to ten gallons of water per acre, followed by soil incorporation;

3. Applications are limited to 1,000 acres of rape located in the areas in Alaska listed above. Applications are limited to 60,000 acres of rape in North Dakota;

4. All applicable directions, restrictions, and precautions on the product label must be followed;

5. Any adverse effect from use of Treflan under this exemption must be reported immediately to the EPA;

6. Forage from treated rape may not be grazed or cut for forage;

7. Residues of trifluralin in or on rapeseed and rape straw are not likely to exceed 0.01 ppm. Rapeseed and rape straw with residue levels not exceeding 0.01 ppm may be shipped in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action; and

8. Alaska and North Dakota are each responsible for assuring that all provisions of its specific exemption are met, and must submit a report summarizing the results of the program by December 31, 1979.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: May 9, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[OPP-180286; FRL 1226-3]

[FR Doc. 79-15296 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

#### Boise-Cascade Corp.; Approval of PSD Permit

Notice is hereby given that on April 6, 1979 the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Boise-Cascade Corporation, Rumford, Maine, to construct a recovery boiler and smelt tank at their kraft pulp mill. This permit has been issued under EPA's Prevention of Significant Deterioration Regulations (40 CFR, Part 52.21) subject to certain conditions, including:

1. Phasing out of the old recovery boilers and smelt tanks.

2. Maximum fuel input rate for power boilers Numbers 1-5 shall not exceed the following limitations:

*Source and Amount (gallons per year)*

Power Boiler No. 5—4,640,000.

Power Boiler Nos. 1-4—26,980,000.

3. The sulfur dioxide emission rate from proposed recovery boiler C shall not exceed 0.16 grains per standard cubic feet (about 39 grams per second).

4. Monitoring of fuel consumption and SO<sub>2</sub> emissions is required, including maintaining of records and submission of reports.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act

only in the First Circuit Court of Appeals. A petition for review must be filed on or before July 16, 1979.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region I,  
Room 1903, JFK Federal Building, Boston,  
Massachusetts 02203.

Maine Department of Environmental  
Protection, State House, Augusta, Maine  
04330.

Dated: May 7, 1979.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FRL-1225-4]

[FR Doc. 79-15294 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

#### Pike Industries, Inc.; Approval of PSD Permit

Notice is hereby given that on April 20, 1979, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Pike Industries, Inc. for approval to construct an asphalt batch plant in Shaftsbury, Vermont. This permit has been issued under EPA's Prevention of Significant Deterioration Regulations (40 CFR Part 52.21) subject to certain conditions, including:

1. Maximum production shall be limited to 125,000 T/year.

2. Sulfur content of the fuel burned in the rotary dryer shall not exceed 1%.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Second Circuit Court of Appeals. A petition for review must be filed on or before July 16, 1979.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region I,  
Room 1903, J.F.K. Federal Building, Boston,  
Massachusetts 02203.

Air and Solid Waste Programs, Division of  
Environmental Engineering, State Office  
Building, Montpelier, Vermont 05602.

Dated: May 7, 1979.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FRL 1225-5]

[FR Doc. 79-15292 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

#### W. R. Grace & Co.; Approval of PSD Permit

Notice is hereby given that on April 20, 1979 the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the W. R. Grace and Company to construct facilities for the sewage sludge incineration and sodium sulfate

recovery processes at the proposed Hampshire Chemical Wastewater Treatment Facility, Nashua, New Hampshire. This permit has been issued under EPA's Prevention of Significant Deterioration Regulations (40 CFR Part 52.21) subject to certain conditions, including:

1. Performance tests shall be conducted no later than 180 days after start up to determine optimum combustion parameters for carbon monoxide control from the sewage sludge incinerator. The test program and method used must be reviewed and approved by EPA.

2. The optimum combustion parameters shall constitute best available control technology (BACT) for carbon monoxide emissions from the incinerator.

3. Continuous monitoring and recording of combustion parameters, together with the maintenance of appropriate records and submission of reports.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the First Circuit Court of Appeals. A petition for review must be filed on or before July 16, 1979.

Copies of the permit are available for publication upon request at the following locations:

Environmental Protection Agency, Region I  
Room 1903, J.F.K. Federal Building, Boston,  
Massachusetts 02203.

Air Pollution Control Agency, Division of  
Public Health Services, Health and Welfare  
Building, Hazen Drive, Concord, New  
Hampshire 03301.

Dated: May 7, 1979.

William R. Adams, Jr.,  
Regional Administrator, Region I.

[FRL 1225-6]

[FR Doc. 79-15293 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

### Oregon Department of Agriculture; Issuance of Specific Exemption To Use Vydate L on Onions To Control Stubby Root Nematode

**AGENCY:** Environmental Protection Agency (EPA), Office of Pesticide Programs.

**ACTION:** Issuance of a specific exemption.

**SUMMARY:** EPA has granted a specific exemption to the Oregon Department of Agriculture (hereafter referred to as the "Applicant") to use Vydate L (oxamyl) for control of stubby root nematode on 1,200 acres of onions in four western counties of Oregon. This exemption expires on July 1, 1979.

**FOR FURTHER INFORMATION CONTACT:** Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460, Telephone: 202/755-4851. It is suggested that interested persons telephone before visiting the EPA Headquarters so that the appropriate files may be made conveniently available for review purposes.

**SUPPLEMENTARY INFORMATION:** Western Oregon is comprised of peat soils 25 to 60 feet deep. These peat soils provide an ideal habitat for the stubby root nematode which feed on onion seedling roots. This feeding inhibits the plant's development of a root system capable of supporting new growth, and results in high yield losses. In 1978, serious losses occurred due to a large population of the pest, and the applicant stated that present nematode counts indicate a serious problem for the 1979 season.

Due to weather patterns and spring planting dates, registered soil fumigants for nematode control (D-D, Telone, and Vorlex) must be used in the fall; however, early fall in Oregon is a dry season and generally not favorable for effective fumigation. In addition, these soil fumigants control the pest only in the upper ten to fifteen inches of soil; the pest populations below this level are not affected.

The Applicant estimates a loss of \$400,000 occurred last year, due to the stubby root nematode, even though registered products were used. The Applicant expects losses this year would be the same, without the use of Vydate L.

The Applicant proposed to apply three pounds of the active ingredient, oxamyl, per acre on 1,200 acres of onions in Clackamas, Marion, Washington, and Yamhill Counties.

EPA has determined that residues of oxamyl in or on onions from the proposed use should not exceed 0.1 part per million (ppm). This level has been judged to be adequate to protect the public health. A pre-harvest interval of 45 days has been imposed and residues of oxamyl are not expected to show up in crops rotated to treated onion fields.

Oxamyl is toxic to birds and other wildlife. However, the currently registered label carries adequate precautions concerning the proposed use. The use of a liquid formulation followed by "watering" should alleviate potential problems concerning the chemical's high toxicity to birds. This use is not expected to result in an unreasonable adverse risk to the environment.

After reviewing the application and other available information, EPA has determined that (a) an outbreak of stubby root nematode in onions has occurred or is about to occur; (b) there is no effective pesticide presently registered and available for use to control this pest in onions in Oregon; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if this pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 1, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The registered product Vydate L (EPA Reg. No. 352-372) will be used;

2. Application will be restricted to 1,200 acres located in the counties named above;

3. Vydate will be applied at one and one-half gallons per acre (three pounds oxamyl) in twenty to thirty gallons of water;

4. No more than two applications of Vydate L will be made per crop per season;

5. Application shall be by ground equipment only and shall be followed by sprinkler irrigation of up to two inches of water;

6. A forty-five day pre-harvest interval shall be observed;

7. Applications will be made by State-certified private applicators. Application procedures will be those recommended by qualified Oregon State University extension agents;

8. All applicable precautions on the EPA-registered label regarding human and wildlife safety must be observed;

9. Onions treated according to the above provisions should not exceed a residue level of 0.1 ppm of oxamyl. Treated onions within this residue level may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action; and

10. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by October 31, 1979.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975 and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: May 9, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[OPP-180294; FRL 1226-5]

[FR Doc. 79-15298 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

**Virginia Department of Agriculture and Commerce; Issuance of Specific Exemption To Use Permethrin To Control Colorado Potato Beetle on Potatoes**

**AGENCY:** Environmental Protection Agency (EPA), Office of Pesticide Program.

**ACTION:** Issuance of a specific exemption.

**SUMMARY:** EPA has granted a specific exemption to the Virginia Department of Agriculture and Commerce (hereafter referred to as the "Applicant") to use permethrin on 17,500 acres of potatoes for the control of the Colorado potato beetle in Virginia. The specific exemption expires on September 15, 1979.

**FOR FURTHER INFORMATION CONTACT:** Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460, Telephone: 202/755-4851. It is suggested that interested persons telephone before visiting the EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

**SUPPLEMENTARY INFORMATION:** The potato beetle is perhaps the best known beetle in the United States. Both the larvae and the adults feed on leaves of potato plants. This feeding may result in defoliation of the vines which prevents development of tubers or greatly reduces yield. Although Guthion, Imidan, methoxychlor, Monitor, parathion, Furadan, Temik, and Thiodan are registered for use on potatoes to control this pest, the Applicant claims that these pesticides are unsatisfactory for Colorado potato beetle control due to pesticidal resistance. Last year Vydate was registered for control of the beetle on potatoes; however, Vydate is effective against the larvae only, not the adult, and it is not so effective as permethrin. The Applicant estimates a loss of 2.3 to 4 million dollars due to the Colorado potato beetle.

The Applicant proposes to use permethrin, manufactured under the trade names Pounce and Ambush, at a rate of 0.1 to 0.2 pound active ingredient (a.i.) per acre per application, using ground or air equipment, observing a 7-day pre-harvest interval. State-certified

applicators or persons under their direct supervision will make a maximum of six applications in Accomac and Northampton Counties.

EPA has determined that residues of permethrin on potatoes would not be expected to exceed 0.1 part per million (ppm) as a result of the proposed use provided that only six applications of either Ambush or Pounce are made and a 7-day pre-harvest interval is observed. This residue level has been judged to be adequate to protect the public health. Since permethrin is highly toxic to bees and aquatic vertebrates and invertebrates, appropriate restrictions have been imposed. This use of permethrin is not expected to pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of Colorado potato beetle has occurred or is about to occur; (b) there is no effective pesticide presently registered and available for use to control the Colorado potato beetle in Virginia; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the Colorado potato beetle is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 15, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The products Ambush, manufactured by ICI Americas, Inc., and Pounce, manufactured by FMC Corporation, may be applied;
2. Permethrin may be applied at a rate of 0.1 to 0.2 pound a.i. per acre;
3. A maximum of six applications may be made with a pre-harvest interval of seven days;
4. A maximum of 17,500 acres in the counties named above may be treated;
5. Applications may be made with air or ground equipment;
6. Spray mixture volumes of 20-100 gallons of water will be applied by ground equipment, 5-10 gallons by aircraft;
7. Applications will be made by State-certified private or commercial applicators or persons under the direct supervision of a State-certified applicator;
8. The spray program will be under the direction and supervision of the Entomologist Scientist-in-Charge,

Eastern Shore Branch, Virginia Truck and Ornamental Research Station, Painter, Virginia;

9. Ambush and Pounce are toxic to fish, birds, and other wildlife. They must be kept out of any body of water. They may not be applied where run-off is likely to occur. They may not be applied when weather conditions favor drift from treated areas. Care must be taken to prevent contamination of water by cleaning of equipment or disposal of wastes;

10. The Applicant shall establish liaison with the Virginia Bureau of Surveillance and Field Studies in order to take appropriate action to protect fish and shellfish in waterways near permethrin-treated potato fields. In order to minimize spray drift, the following restrictions will be observed for applications of permethrin:

a. Aerial applications will not be made when wind speed exceeds five miles per hour;

b. A buffer zone of 200 feet (horizontal distance) between treated areas and aquatic areas will be observed; and

c. Aerial applications should be staggered in time in areas where fish and shellfish are important resources.

11. Permethrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied or allowed to drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

12. Potatoes treated according to the above provisions will not have residues of permethrin in excess of 0.1 ppm. Potatoes with residues of permethrin which do not exceed this level may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. A 60-day crop rotation restriction will be observed;

14. The EPA will be immediately informed of any adverse effects resulting from the use of permethrin in connection with this exemption; and

15. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by February 15, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: May 9, 1979.

Edwin L. Johnson,  
Deputy Assistant Administrator for Pesticide Programs.

[OPP-180292; FRL 1226-4]

[FR Doc. 79-15297 Filed 5-15-79; 8:45 am]

BILLING CODE 6560-01-M

## FEDERAL MARITIME COMMISSION

### Inquiry Regarding the United Nations Convention on Code of Conduct for Liner Conferences

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of inquiry.

**SUMMARY:** The Federal Maritime Commission requests public comment on a proposed international convention governing the conduct of steamship liner conferences. It is not intended that a proposed rule will issue from this proceeding.

**DATES:** Comments on or before July 16, 1979.

**ADDRESS:** Comments to: Secretary, Federal Maritime Commission, Washington, D.C. 20573.

**FOR FURTHER INFORMATION CONTACT:** Secretary, Federal Maritime Commission, 1100 L Street, N.W., Room 11101, Washington, D.C. 20573 (202) 523-5725.

**AUTHORITY:** Shipping Act, 1916; Merchant Marine Act, 1936; Merchant Marine Act, 1920.

**SUPPLEMENTARY INFORMATION:** The Federal Maritime Commission administers the Shipping Act, 1916, which regulates ocean liner carriage in the U.S. foreign trades. This statute provides exemption from the antitrust laws for certain FMC-approved types of concerted action by persons subject to the Act, requires an open conference system, prohibits specified acts that are not unlawful in other trades (e.g., payment of deferred rebates), requires the public filing of tariffs and provides an administrative forum for resolution of disputes between carriers and shippers.

The U.S. approach of statutory regulation contrasts with the emphasis on commercial checks-and-balances in most non-U.S. trades between developed nations, where liner shipping is generally free of legislative restraints.

Against this background, in 1972, the United Nations proposes a convention on a Code of Conduct for Liner Conferences. A Code was approved in April, 1974. It will become effective as an international convention six months following ratification by 24 countries, the combined tonnage of which equals 25% of the world total, as of 1973. To

date, 34 countries with a combined tonnage of 6.6% have ratified the Code.

In its most important provisions, many of which are not compatible with the present Shipping Act or the U.S. antitrust laws, the Code anticipates closed conferences, shippers' councils, national flag preference in access to cargo, self-determination and self-policing of malpractices by conferences, loyalty agreements based on contractual obligation, a period between general rate increases of up to 15 months, shipper/carrier consultation on rate increases and surcharges and a complex system of international conciliation of disputes.

The United States Government has opposed the Code. However, certain features of the Code, particularly cargo allocation arrangements, appear to be gaining popularity in developing and less-developed countries. For example, the Government of the Dominican Republic currently intends to implement Law 180, promulgated in May, 1975, which provides for cargo reservation to national flags in equal amounts, and reserves 20% of all cargo for third flag carriers. The law thus embodies the cargo sharing provisions of the Liner Code.

In addition, members of the European Economic Community appear close to agreement on a compromise ratification of the Liner Code which, among other reservations, limits cargo sharing provisions to a 40% share reserved for less developed countries.

The likely ratification of the Code by Britain, Germany, France, Denmark, Belgium, Luxembourg, Italy and the Netherlands, in addition, to Japan, will bring the Code into effect as an international instrument with the force of law among ratifying states, perhaps as early as the end of 1979.

The Federal Maritime Commission therefore seeks public comment on the Code in order to determine:

(1) The transportation and economic consequences of the implemented Liner Code on the U.S. foreign commerce.

(2) How best to harmonize current U.S. laws with conflicting Code provisions in trades where the bilateral trading partner has ratified the Code.

(3) The feasibility, merits and disadvantages of *de facto* implementation of significant features of the Code by the U.S. through section 15 agreements.

#### General Issues

Article 1 of the Code places limitations on entry to conferences, thus proposing a form of "closed conference" system, and Article 2 institutes a system

of cargo allocation granting national flag lines equal shares of bilateral trade, but with a "significant part" reserved for third flag lines.

(1) What are the implications for rates and adequacy of service if either or both of these proposals were to be implemented in the U.S. trades?

(2) What effect would there be on the competitive position of the U.S. merchant marine as a "cross-trader" where one or both foreign nations may have implemented these proposals?

(3) What are the legal implications of insistence by a bilateral trading partner, as a matter of national law, upon applying either or both of these proposals in its outbound trade to the U.S.? What would be the legal and commercial effect of such a development on the U.S. merchant marine?

(4) Would more liberal statutory standards for rationalization under the "open conference" system in the U.S. trades be a viable and compatible alternative to either or both of these proposals?

Article 5 of the Code requires conferences to adopt an "illustrative list \* \* \* of practices which are regarded as malpractices \* \* \* and shall provide effective self-policing machinery to deal with them \* \* \*"

(5) What specific practices are regarded as malpractices in non-U.S. trades?

(6) What evidence exists that conference self-policing in non-U.S. trades has been effective in deterring or identifying instances of such malpractices? What specific sanctions or level of monetary penalties have been found to be effective?

(7) To what extent have shippers or shippers' organizations in non-U.S. trades been instrumental in assisting conferences to deter or identify instances of such malpractices? Have the conferences been responsive to such assistance by taking effective action when malpractices are found to have occurred?

Article 7 of the Code deals with shipper "loyalty" arrangements.

(8) Apart from contract rate differentials or deferred rebates, what other loyalty incentives are employed in non-U.S. trades?

(9) What specific contract provisions, if any, are used to discourage circumvention of loyalty arrangements through f.o.b., f.a.s. or other terms of sale that give consignees control over cargo routing?

Article 11 of the Code contemplates establishment of shippers' councils and consultations between these councils

and steamship conference on general rate increases, promotional or special rates, surcharges, loyalty arrangements and tariff classification of ports.

(10) Citing specific examples, how effective have such consultations proven to be in non-U.S. trades?

(11) To what extent, and for what reasons, have national authorities designated a shipper body to engage in such consultations?

Articles 23-46 of the Code provides for resolution of disputes between or among shippers and carriers through a system of voluntary international arbitration conducted at the expense of the parties.

(12) Is such an arrangement preferable to current rights and procedures under the Shipping Act? Why?

#### Shipper Issues

Article 9 of the Code provides that conference agreements and tariffs will be made available on request at reasonable cost and shall be available for examination at offices of shipping lines and their agents.

(13) Would there continue to be need for the current arrangement of public filing with the Federal Maritime Commission?

Article 14 of the Code would require conferences to give not less than 150 days' notice, absent "regional practice and/or agreement," before implementing general freight rate increases and, in effect, a 15-month interval between such increases. Article 16 provides for advance notice of proposed surcharges, other than in "exceptional circumstances," and appears to contemplate a moratorium of up to 30 days if there is disagreement as to justification, in whole or in part.

(14) Are these "notice" periods realistic?

(15) What notice requirements for general rate increases are provided by "regional practice and/or agreement" in non-U.S. trades?

(16) Since a surcharge is, by definition (Article 16(1)), designed "to cover sudden or extraordinary increases in cost or losses in revenue" yet, notwithstanding, is generally subject to advance notice (and implicitly, up to 30 days' forbearance) what "exceptional circumstances" would justify imposition of a surcharge without notice?

#### Carrier Issues

Chapter I of the Code defines a "national shipping line" as a "vessel operating carrier which has its head office of management and its effective control in that country and is recognized as such by an appropriate authority of

that country or under the law of that country."

(17) Does this definition include U.S.-owned foreign registered vessels?

As envisioned by the Code, national lines would have an equal share of cargoes in bilateral trades and equal rights to participate in pools.

(18) What would be the effect of such an apportionment in the trades where U.S.-flag carriers presently operate? What effect would such cargo division have on U.S. liner operations? Describe experience with cargo sharing where it currently exists in U.S. trades. What has been the comparative and historic effect on rates and quality of service in such trades?

(19) How would cargo allocation be made in conferences that serve regional, rather than national, trading areas, *i.e.*, cargo origin or destination involving transshipment?

Carriers operating between the U.S. and foreign countries which have ratified the Code will be within two different legal and regulatory systems.

(20) What are the most frequent and most serious legal and commercial conflicts that are likely to be encountered?

(21) To what extent, under existing U.S. law, might compatibility with the Code be sought through proposed section 15 agreements, consistent with SVENSKA standards?

(22) What *minimum* changes in U.S. law would be required to permit either adherence to the Code or substantial compatibility therewith?

(23) What *minimum* reservations to the Code would be required to permit U.S. adherence, assuming enactment of the statutory amendments proposed in H.R. 11422 of the 95th Congress?

(24) What effect would or should U.S. adherence to the Code have on the supervisory and regulatory functions of the Federal Maritime Commission?

The Commission invites comment on any other aspect of the Code of Conduct for Liner Conferences, particularly when accompanied by relevant factual and economic data.

An original and 15 copies of each comment should be directed in writing to the Secretary, Federal Maritime Commission, Washington, D.C. 20573.

By the Commission.

Francis C. Horney,  
Secretary.

[Docket No. 79-50]

[FR Doc. 79-15174 Filed 5-15-79; 8:45 am]

BILLING CODE 6730-01-M

#### Karevan, Inc.; Order or Revocation

On April 2, 1979, Karevan, Inc., 230 West Warner Avenue, Santa Ana, California 92705, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 1703.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1703 issued to Karevan, Inc., be and is hereby revoked effective April 2, 1979, without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1703 issued to Karevan, Inc., be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Karevan, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[Independent Ocean Freight Forwarder License No. 1703]

[FR Doc 79-15172 Filed 5-15-79; 8:45 am]

BILLING CODE 6730-01-M

#### S.S.A. International, Inc.; Order of Revocation

On May 2, 1979, S.S.A. International, Inc., 8811 Gulf Freeway, Houston, Texas 77027, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 1609.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1609 issued to S.S.A. International, Inc., be and is hereby revoked effective May 2, 1979, without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1609 issued to S.S.A. International, Inc., be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon S.S.A. International, Inc.

Robert G. Drew, Director,

Bureau of Certification and Licensing.

[Independent Ocean Freight Forwarder License No. 1609]

[FR Doc. 79-15173 Filed 5-15-79; 8:45 am]

BILLING CODE 6730-01-M

**Security for the Protection of the Public, Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate [Casualty]**

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Compania De Vapores Cerulea S.A. and Ulysses Line Ltd. S.A., c/o Constanna Shipping Agency, Inc., 610 Brickell Executive Tower, 1428 Brickell Avenue, Miami, Florida 33131

Dated: May 11, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-15170 Filed 5-15-79; 8:45 am]

BILLING CODE 6730-01-M

**Security for the Protection of the Public, Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate [Performance]**

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Compania De Vapores Cerulea S. A., Ulysses Line LTD. S. A. and Paquet Cruises Inc., c/o Constanna Shipping Agency, Inc., 610 Brickell Executive Tower, 1428 Brickell Avenue, Miami, Florida 33131.

Dated: May 11, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-15171 Filed 5-15-79; 8:45 am]

BILLING CODE 6730-01-M

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**Alcohol, Drug Abuse, and Mental Health Administration**

**Advisory Committees; Meetings**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of June 1979:

**Alcohol Abuse Prevention Committee**

June 4-5; 9:00 a.m., Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open—June 4; 9:00-10:30 a.m.

Closed—Otherwise.

Contact: Robert E. Davis, Room 14C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3403.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to prevention activities and makes recommendations to the National Advisory Council on Alcohol Abuse and alcoholism for final review.

Agenda: From 9:00-10:30 a.m., June 4, the meeting will be open for discussion of administrative reports, announcements, and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

**Research Scientist Development Review Committee**

June 6-9; 9:00 a.m., Sheraton Silver Spring, 8727 Colesville Road, Silver Spring, Maryland 20910.

Open—June 6; 9:00-11:00 a.m.

Closed—Otherwise.

Contact: Barbara Ann Spelman, Room 9C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4347.

Purpose: Committee is charged with the initial review of grant applications for Research Scientist Development Awards and Research Scientist Awards administered by the National Institute of Mental Health and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-11:00 a.m., June 6, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

**Psychopathology and Clinical Biology Research Review Committee [formerly Clinical Projects Research Review Committee]**

June 11-13; 9:00 a.m., Holiday Inn-Georgetown, 2505 Wisconsin Avenue, N.W., Washington, D.C. 20007.

Open—June 11; 9:00-10:00 a.m.

Closed—Otherwise.

Contact: Harriet German, Room 10C-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3367.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-10:00 a.m., June 11, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

**Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism**

June 12; 9:00—Open meeting, Conference Room 703-A, HHH Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Contact: James Vaughan, Room 16C-10, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3888.

Purpose: The Committee (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: The meeting will consist of a discussion of the proposed FY 1980 Alcoholism initiatives and reports on Federal Employee Alcoholism Programs; Research Programs; Prevention, Education and Information Programs; Treatment and Rehabilitation Programs; and Manpower and Training Programs.

**Alcohol Biomedical Research Review Committee**

June 13-15; 9:00 a.m., Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20014.

Open—June 13; 9:00 a.m.-12:00 noon.

Closed—Otherwise.

Contact: Kenneth R. Warren, Ph.D., Room 16C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4223.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on



Alcohol Abuse and Alcoholism relating to research activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 9 a.m.-12 noon, June 13, the meeting will be open for discussion of administrative reports, announcements, and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

#### Alcohol Psychosocial Research Review Committee

June 13-15; 9:00 a.m., Delaware Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20014.

Open—June 13; 9 a.m.-12 noon.  
Closed—Otherwise.

Contact: James C. Teegarden Ph.D., Room 16C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4223.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to research activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 9 a.m.-12 noon, June 13, the meeting will be open for discussion of administrative reports, announcements, and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

#### Alcohol Training Review Committee

June 14-15; 9 a.m., Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open—June 15; 9 a.m.-11 a.m.  
Closed—Otherwise.

Contact: Robert E. Davis, Room 14C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3403.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 9 a.m.-11 a.m., June 15, the meeting will be open for discussion of

administrative reports, announcements, and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

#### Basic Sociocultural Research Review Committee

(Formerly Social Sciences Research Review Committee)

June 20-22; 9 a.m., Holiday Inn-Georgetown, 2505 Wisconsin Avenue, N.W., Washington, D.C. 20007.

Open—June 20; 9 a.m.-9:30 a.m.  
Closed—Otherwise.

Contact: Marilyn Andersen, Room 10-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3936.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to social science research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m.-9:30 a.m., June 20, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

#### Mental Health Research Education Review Committee

(Formerly Biological Sciences Training Review, Psychological Sciences Fellowship Review, and Social Sciences Training Review Committees)

June 21-23; 9 a.m., Conference Room K, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open—June 21; 9 a.m.-9:30 a.m.  
Closed—Otherwise.

Contact: Miriam Stein, Room 9C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, 301-443-4347.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research education for scientists concerned with mental health problems from a biological, psychological, or social science perspective, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m.-9:30 a.m., June 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

#### Minority Group Mental Health Review Committee

(Formerly Minority Group Mental Health Programs Review Committee)

June 28-30; 9 a.m., Shoreham Americana, 2500 Calvert Street, N.W., Washington, D.C. 20008.

Open—June 28; 9 a.m.-11 a.m.  
Closed—Otherwise.

Contact: Edna M. Hardy Hill, Room 7-103, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-2988.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to minority mental health research and training and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m.-11 a.m., June 28, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact persons listed above. The NIAAA Information Officer who will furnish upon request summaries of the meeting and rosters of the Committee members is Mr. Harry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3306. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the Committee members is Mr. Paul Sirovatka, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4536.

Dated: May 8, 1979.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 79-15177 Filed 5-15-79; 8:45 am]

BILLING CODE 4110-88-M

**Office of Education****National Advisory Council on Indian Education, Technical Assistance, Research, and Evaluation Committee; Meeting**

**AGENCY:** National Advisory Council on Indian Education.

**ACTION:** Notice.

**SUMMARY:** The notice sets forth the schedule and proposed agenda of the forthcoming Technical Assistance, Research & Evaluation Committee meeting of the National Advisory Council on Indian Education. It also describes the functions of the Council. Notice of these meetings are required under the Federal Advisory Committee Act (5 U.S.C. Appendix I, Section 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

**DATES:** Technical Assistance, Research & Evaluation Committee Meetings: June 1, 1979, 9 a.m.-5 p.m., open, and June 2, 1979, 9 a.m.-5 p.m., open.

**ADDRESS:** Holiday Inn-Downtown, 1000 E. Sixth Street, Reno, Nevada.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, Suite 326, 425 13th Street, N.W., Washington, D.C. 20004 (202) 376-8882.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92-318, (20 U.S.C. 1221g).

The Council is directed to:

- (1) Submit to the Commissioner of Education a list of nominees for the position of Deputy Commissioner of the Office of Indian Education/OE;
- (2) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by title IV of Pub. L. 92-318 and amended by Pub. L. 93-380), and with respect to adequate funding thereof;
- (3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of

Pub. L. 92-318), and make recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by title IV, Part A, Pub. L. 92-318;

(7) Submit to Congress not later than June 30 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such program; and

(8) Be consulted by the Commissioner of Education regarding the definition of the term "Indian", as follows:

Sec. 453 [Title IV, Pub. L. 92-318]. For the purposes of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized by the State in which they reside, or who is a descendant, in the first or second degree of any member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The Technical Assistance, Research & Evaluation Committee of the National Advisory Council on Indian Education will hold a meeting, open to the public, beginning at 9 a.m. June 1, recessing at 5 p.m. and reconvening at 9 a.m. June 2, until the conclusion of business, approximately 5 p.m.

The proposed agenda includes: 1. Hearings on Technical Assistance for Title IV, subparts A, B, & C.

Records shall be kept of all Council proceedings and shall be available for

public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

Dated: May 9, 1979.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 79-15253 Filed 5-15-79; 8:45 am]

BILLING CODE 4110-02-M

**Office of the Secretary****HEW Management and Budget Office; Statement of Organization, Functions, and Delegations of Authority**

This notice amends Part A, Office of the Secretary, Chapter AM, Office of the Assistant Secretary for Management and Budget (42 FR 36308, 7/14/77) and the following subchapters: AMK, Division of OS Budget Services (42 FR 36313-17, 7/14/77); AML, Office of Budget (42 FR 36314, 7/14/77); AML 1, Division of Health Budget Analysis (42 FR 36314, 7/14/77); AML 4, Division of Budget Review (42 FR 36314, 7/14/77); AML 5, Division of Staff Resource Analysis (42 FR 36314, 7/14/77); and AMS, Office of Management Services (42 FR 36310-11, 7/14/77).

In summary, this notice effects the following organizational and functional statement changes.

a. It revises the functions of the immediate office of the Assistant Secretary for Management and Budget (ASMB) by deleting references to two overall deputy assistant secretaries—one for Management and the other for Financial Management. (The other deputy assistant secretaries remain unchanged.) It adds to the immediate office of the ASMB a new staff unit, the Office of Policy Coordination. It transfers from the Office of Management Services to the immediate office of the ASMB the Office of the Secretary (OS) Equal Employment Opportunity Office.

b. It transfers the Division of OS Budget Services to, and makes it an integral part of, the Office of Budget.

c. It establishes two branches within the Division of Health Budget Analysis of the Office of Budget: the Health Care Financing Branch and the Public Health Branch.

d. It renames the Division of Budget Review within the Office of budget as the Division of Budget Policy and Management (DBPM). It establishes within the Division of Budget Policy and Management four branches: the Policy and Planning Branch, the Operations Branch, the Information Systems Branch and the Staff Resource Analysis Branch. The inclusion of the Staff Resource

Analysis Branch within DBPM has resulted from the transfer of the Division of Staff Resource Analysis to DBPM and the redesignation of it as a branch.

The revised organizational and functional statements which reflect the above-stated changes read as follows.

*Regarding Chapter AM*

Insert an amended Section AM.10, Organization, as follows:

AM.10 Organization. The HEW Management and Budget Office, headed by the Assistant Secretary for Management and Budget who reports to the Secretary, consists of the following organizations:

The Office of the Assistant Secretary for Management and Budget (AM); Office of Policy Coordination (AM-1); and OS Equal Employment Opportunity Office (AM-2)

Office of Facilities Engineering (AMF)

Office of Grants and Procurement (AMG)

Office of Management Analysis and Systems (AMM)

Office of Management Services (AMS)

Office of Budget (AML)

Office of Finance (AMN)

Insert an amended paragraph AM.20A as follows:

AM.20 Functions. A. The Assistant Secretary for Management and Budget (AM) is the principal adviser to the Secretary on all aspects of administrative and financial management. By delegation from the Secretary, the incumbent exercises the full Departmentwide authority of the Secretary in the assigned areas of responsibility. The Office of Policy Coordination advises the Assistant Secretary on major HEW budget and policy issues, including clarifying issues, resolving issues which cut across program lines, establishing alternative strategies, and serving as the main Department contact with other Executive agencies and Congressional appropriations committees.

The OS Office of Equal Employment Opportunity carries out equal employment opportunity activities within the OS, particularly as they relate to minority groups and women, which require the establishment and maintenance of a positive program for nondiscrimination in employment based on race, color, religion, sex, national origin, and age. The functions of the Office also include program efforts which focus on the Federal Women's Program and the Spanish-Speaking Program.

Insert an amended paragraph AM.20F as follows:

F. Office of Budget (AML) oversees preparation of the Departmental budget; estimates and forecasts resources required to support programs and activities of the Department; analyzes budgetary and financial management implications or new or proposed legislation, programs, or activities; appraises programs, activities, and operations in terms of the policies, goals, and objectives of the Department; operates the HEW integrated funding system; recommends and administers policies and procedures for allocation and control of employment ceilings. With particular reference to the Office of the Secretary (OS), is responsible for the overall formulation, presentation, and execution of the OS budget; serves as the focal point for OS budget operations, providing assistance in the development of budget policy and the management of positions and financial resources for the OS.

Delete paragraph AM.20H—Division of OS Budget Services.

*Regarding Chapter AMK*

Redesignate it as chapter AML6 and revise section AML6.10 to show its new organizational location as follows:

Section AML6.10 Organization. The Director, Division of OS Budget Services, reports to the Deputy Assistant Secretary for Budget, who in turn reports to the Assistant Secretary for Management and Budget.

*Regarding Chapter AML*

Amend sections AML.00 Mission and AML.10 Organization as follows:

Section AML.00 Mission. The Office of Budget provides advice and support to the Assistant Secretary for Management and Budget on matters pertaining to (1) formulation, analysis, and presentation of budgets; (2) staff resource allocations and analyses; and (3) reprogrammings (transfers of funds from one program area to another).

AML.10 Organization. The Office of Budget is headed by the Deputy Assistant Secretary for Budget who reports to the Assistant Secretary for Management and Budget and includes the following:

Immediate Office

Division of Health Budget Analysis (AML1)

Division of Education Budget Analysis (AML2)

Division of Welfare Budget Analysis (AML3)

Division of Budget Policy and Management (AML4)

Division of OS Budget Services (AML6)

Amend subchapter AML1 as follows:

AML1.00 Mission. The Division of Health Budget Analysis directs and coordinates development and preparation of public health and health financing budgets. The Division assists top management of the Department in evaluating and acting upon these programs and budget proposals. Division staff members assist the Secretary in presenting and justifying health budgets submitted to OMB and to the Congressional Committees on Appropriations.

Section AML1.10 Organization. The Division of Health Budget Analysis is headed by a Director who reports to the Deputy Assistant Secretary for Budget. The Division has two branches: the Health Care Financing Branch and the Public Health Branch.

Section AML1.20 Functions. A. The Director provides staff assistance to the Secretary and heads of Principal Operating Components (POCs) in the budgetary management of Departmental health care financing and public health programs. B. The branches perform the following functions related to their specific program areas: (1) Review budget and related requests for resources; analyze plans and proposals for new or alternative legislation, regulations, programs or activities to determine their resource implications; and appraise program activities and operations in terms of their contributions to policies, goals and objectives of the Department as a basis for evaluating resource requirements. (2) Coordinate the preparation of budget estimates and forecasts of resources required to support programs and activities of the Department; work with the Office of the Assistant Secretary for Planning and Evaluation to prepare long range resource estimates; prepare recommendations for the Office of Budget on draft regulations, proposed legislation, and reorganization proposals. (3) Assist the heads of POCs, the Under Secretary and the Secretary in evaluating programs and budgetary proposals by identifying issues, developing reliable cost projections for legislative and planning proposals, and ensuring that proposals are consistent with approved plans and policies. (4) Review reprogramming requests and recommend appropriate action to the Office of Budget. (5) Provide guidance in budget formulation for OS staff offices and POCs. (6) Prepare special analyses as necessary in the process of preparing and presenting the budget. (7) Keep OS staff offices and POCs informed on budget developments in their program areas.

In subchapter AML2 and AML3, AML 2.3.20 Functions, delete the reference to the Deputy Assistant Secretary for Financial Management in function number 3.

Revise subchapter AML4 as follows:

**Chapter AML4.00 Mission.** The Division of Budget Policy and Management directs the formulation and presentation of the HEW budget. The Division is the HEW liaison with OMB and congressional committee staffs in defining specifications and schedules for budget submissions and related budgetary data. It develops and promulgates to the Principal Operating Components (POCs) and others the policies, procedures, guidance, and schedules for preparing budget submissions; monitors and provides technical assistance to the POCs throughout the formulation and presentation process; and reviews and integrates POC budget submissions prior to presentation to OMB or Congress. It manages a computerized budget information system reflecting data on an HEW-wide basis and coordinated POC input into this system. It is responsible for preparing summaries of budget submissions and for reconciliation of estimates to Departmentwide control amounts. It provides direct staff support to the Secretary in preparation for appropriation hearings and other budget related presentations and briefings. It participates in the development of guidelines for funding under continuing resolutions; establishes guidelines for, and reviews and processes reprogrammings, and provides recommendations and other staff support as required in processing other cross-cutting funding proposals. It develops standards for staff resource planning and management systems, ensures that operating systems meet minimum standards, and monitors Departmental employment ceilings.

**AML4.10 Organization.** The Division is headed by a Director who reports to the Deputy Assistant Secretary, Budget. It has four branches, the chiefs of which report to the Director, Division of Budget Policy and Management, as follows:

Policy and Planning Branch  
Operations Branch  
Information Systems Branch  
Staff Resource Analysis Branch

**AML4.10 Functions.** A. Office of the Director. (1) Advises and provides direct staff support to the Secretary, assistant secretaries, especially the Assistant Secretary for Management and Budget, and the Deputy Assistant Secretary for Budget on budget management and overall budget-related matters. (2)

Develops and maintains on-going communications with OMB, congressional, POC, and Office of the Secretary staffs, especially on long-range or general budget issues and priorities, and on budget performance, policy, and scheduling problems. (3) Through the branch chiefs defines and assures the accomplishment of Division priorities and performance expectations. B. Policy and Planning Branch. This Branch performs the following functions: (1) Serves as the liaison with the Assistant Secretary for Management and Budget, the Deputy Assistant Secretary for Budget, OMB, and congressional committee staffs in defining budget submission specifications and schedules and in working out solutions to budget submission problems. (2) Develops and promulgates to the POCs the policies, procedures, guidance, and schedules for preparing budget formulation and presentation material and provides the technical assistance to the POCs to solve problems related to the submission of material. (3) Participates in the development of guidelines for funding under continuing resolutions. (4) Develops or updates and interprets congressional, OMB, and HEW budget formulation and presentation policy issuances. (5) Participates in the review of the Department's overall budget structure and makes recommendations for revisions in response to POC requests of congressional direction. (6) Provides for the training of other Division, Office of the Secretary, and POC staffs as appropriate to improve quality review of budget submissions. (7) Develops, promulgates and keeps up-to-date a detailed calendar of budgetary events to assure responsive Departmental action to the Congress and OMB. (8) Serves as the interface with the staff of the Assistant Secretary for Planning and Evaluation to develop a smooth transition between the Department's planning and budget processes.

(9) Coordinates HEW action on OMB bulletins and circulars.

C. Operations Branch. The Branch performs the following functions: (1) Establishes systematic procedures to monitor the timely submission of POC budget material, to provide status reports on a routine basis, and to alert higher officials of action needed to resolve submission problems. (2) Assures conformity of submissions to prescribed overall budget totals, when relevant, and investigates discrepancies. (3) Reviews budget submission for consistency, conformity with defined guidelines, and responsiveness to

Secretarial, OMB, and congressional expectations, and works with appropriate staffs to resolve procedural and technical problems. (4) Integrates POC submissions for OMB or congressional presentation, and prepares summaries of submissions and related material as required. (5) Prepares Data Books, charts, and other materials for Secretarial briefings. (6) Prepares special budget analyses as needed, including budget summary data. (7) Provides review, recommendations, and processing support for financing unbudgeted initiatives, joint fundings, reprogrammings, crosscutting rescissions or supplemental requests, and inter-appropriation transfers. (8) Provides administrative support for all Office of Budget divisions and functions.

D. Information Systems Branch. This Branch performs the following functions: (1) Serves as the liaison with Office of the Secretary, OMB, and congressional committee staffs in identifying HEW-wide computerized budget formulation and presentation data requirements. (2) Serves as the principal HEW manager of the technical arrangements needed to meet the computerized data formulation and presentation requirements. (3) Plans, develops, and manages the HEW-wide budget formulation and presentation data-base. (4) Reviews POC computerized budget input data for consistency and accuracy and integrates it into HEW-wide tables or exhibits. (5) Coordinates the development of POC computerized budget data systems to assure consistency with HEW-wide computerized budget formulation and presentation data needs. (6) Provides data and data analyses as needed for briefings, hearings, or special studies. (7) Plans, develops, and manages an historical HEW budget information system, including computerized and other forms of information. (8) Coordinates and monitors responses to correspondence and other budget information requests referred to the Division. (9) Coordinates and monitors responses to special requests for budget and related information requests from congressional appropriations committees. (10) Gathers information on budgetary actions taken by OMB, congressional budget and appropriations committees and others, and makes such information available on a timely basis to the Secretary, Under Secretary, ASMB, POCs and DASB staff to assure appropriate Departmental response.

E. The Staff Resource Analysis Branch. This Branch performs the following functions: (1) Develops and promulgates criteria for effective staff resource planning and management. (2)

Certifies that operating staff resource systems in the POCs and Secretary's staff offices meet criteria of adequacy. (3) Provides technical assistance to the Principal Operating Components and OS staff offices to improve staff resource management systems. (4) Supports the budget analysis divisions by reviewing staffing requests from the Principal Operating Components, and participates in the development of recommendations for the Secretary. (5) Assists in the development of training courses and materials for staff resource analysts. (6) Administers Departmentwide ceilings on end-of-year employment. (7) Monitors actual employment against approved ceilings and authorized positions; identifies trends and emerging problems. (8) Operates the staff resource management system for the Office of Budget.

Delete subchapter AML5-Division of Staff Resource Analysis.

#### Regarding Chapter AMS

Delete from Section AMS.00 Mission: "equal employment opportunity."

Delete from Section AMS.10 Organization: "OS Office of Equal Employment Opportunity."

Delete from Section AMS.20 Functions, paragraph E, "OS Office of Equal Employment Opportunity." Redesignate current paragraphs F, G, and H as E, F, and G.

Dated: May 8, 1979.

Frederick M. Bohan,

Assistant Secretary for Management and Budget.  
[FR Doc. 79-15162 Filed 5-15-79; 8:45 am]

BILLING CODE 4110-12-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Federal Disaster Assistance Administration

#### Illinois; Major Disaster and Related Determinations

**AGENCY:** Federal Disaster Assistance Administration, HUD.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of Illinois (FDAA-583-DR), dated April 30, 1979, and related determinations.

**DATED:** April 30, 1979.

**FOR FURTHER INFORMATION CONTACT:** John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

**NOTICE:** Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of April 30, 1979 to the Secretary, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Illinois resulting from severe storms and flooding beginning on or about March 1, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Illinois.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert E. Connor of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Illinois to have been affected adversely by this declared major disaster.

The Counties of:

Brown	Woodford
Bureau	Marshall
Calhoun	Mason
Cass	Morgan
Fulton	Peoria
Putnam	Pike
Green	Schuyler
Jersey	Scott
LaSalle	Tazewell
Macon	

(Catalog of Federal Domestic Asst. No. 14.701, Disaster Assistance)

William H. Wilcox,  
Federal Disaster Assistance Administration.

[FDAA-583-DR; Docket No. NFD-700]  
[FR Doc. 79-15232 Filed 5-15-79; 8:45 am]  
BILLING CODE 4210-22-M

#### Minnesota; Major Disaster and Related Determinations

**AGENCY:** Federal Disaster Assistance Administration, HUD.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of Minnesota

(FDAA-582-DR), dated April 30, 1979, and related determinations.

**DATED:** April 30, 1979.

**FOR FURTHER INFORMATION CONTACT:** John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

**NOTICE:** Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter April 30, 1979 to the Secretary, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Minnesota resulting from severe storms and flooding beginning on or about April 14, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Minnesota.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Leo C. McNamee, Jr. of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Minnesota to have been affected adversely by this declared major disaster.

The Counties of:

Aitkin	Norman
Clay	Polk
Itasca	Red Lake
Kittson	Roseau
Lake of the Woods	Wilkin
Marshall	

(Catalog of Federal Domestic Asst. No. 14.701, Disaster Assistance)

William H. Wilcox,  
Federal Disaster Assistance Administration.

[FDAA-582-DR; Docket No. NFD-698]  
[FR Doc. 79-15234 Filed 5-15-79; 8:45 am]  
BILLING CODE 4210-22-M

#### Mississippi; Amendment to Notice of Major Disaster Declaration

**AGENCY:** Federal Disaster Assistance Administration, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice amends the Notice of a major disaster for the State of Mississippi (FDAA-577-DR), dated April 16, 1979.

**DATED:** May 1, 1979.

**FOR FURTHER INFORMATION CONTACT:** John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7025).

**NOTICE:** This Notice of major disaster for the State of Mississippi dated April 16, 1979 is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 16, 1979.

For both Individual and Public Assistance: Wilkinson County.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[FDAA-577-DR; Docket No. NFD-699]

[FR Doc. 79-15233 Filed 5-15-79; 8:45 am]

**BILLING CODE 4210-22-M**

### Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

#### National Mobile Home Advisory Council Meeting

**AGENCY:** Assistant Secretary for NVACP, HUD.

**ACTION:** Notice announcing Agenda for the National Mobile Home Advisory Council Meeting.

**SUMMARY:** This Notice announces the final agenda for the National Mobile Home Advisory Council meeting to be held on May 22, 23 and 24, 1979. The purpose of the Notice is to assure that members of the Council and all interested parties will be given adequate notice of the topics for discussion and the schedule for those discussions.

**FOR FURTHER INFORMATION CONTACT:** John S. Mason, Acting Director, Office of Mobile Home Standards, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone: (202) 755-7970.

**SUPPLEMENTARY INFORMATION:** By Notice published in 44 FR 17233 (1979), the Council and other interested parties were notified of a biannual meeting of the National Mobile Home Advisory

Council to be held on May 22, 23 and 24, 1979, in Room 10233 at the HUD Building, 451 7th Street, SW., Washington, D.C. 20410. The meetings will convene at 9:00 a.m. on Tuesday, May 22, 1979. This final agenda incorporates the four major items planned for discussion which appeared in the Federal Register Notice of March 21, 1979:

#### AGENDA

##### National Mobile Home Advisory Council

May 22 (Morning) 9:00 a.m. to 12:00 Noon

Roll Call  
Swearing in of two new members  
Selection of Chairperson for 1980  
HUD Welcome and Plan to Update Standards  
Break  
Status of HUD Research Discussion

May 22 (Afternoon) 1:00 p.m. to 5:00 p.m.

Wind Research  
—Research Recommendations  
—Impact on Economic Cost/Benefit Report from Subcommittee on Wind Discussion

May 23 (Morning) 8:30 a.m. to 12:00 Noon

Awarding of Certificates  
Fire Research  
—United States Fire Administration Progress Report  
—Research Recommendations  
—Economic Cost/Benefit Analysis

May 23 (Afternoon) 1:00 p.m. to 5:00 p.m.

Report from Subcommittee on Fire Discussion

May 24 (Morning) 8:30 a.m. to 12:00 Noon

Transportation Research  
—Research Recommendations  
—Economic Cost/Benefit Analysis  
—Report from Subcommittee on Transportation

May 24 (Afternoon) 1:00 p.m. to 5:00 p.m.

Discussion on Transportation  
Report from Subcommittee on Air Quality and Update on Formaldehyde  
Report from Subcommittee on Energy, Heating and Cooling and Update on Title III

(Sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)), sec. 605, National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5405).

Issued at Washington, D.C., May 7, 1979.

Geno C. Baroni,

Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[Docket No. N-79-917]

[FR Doc. 79-15229 Filed 5-15-79; 8:45 am]

**BILLING CODE 4210-01-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### Colorado; R/W Applications for Pipeline, Northwest Pipeline Corporation

##### Correction

In FR Doc. 79-12661 appearing on page 24158 in the issue for Tuesday, April 24, 1979, second column, in the land description, the line beginning with "Section 35", at the very end of that line, "NW ¼" should read "SW ¼".

[Colorado 24126n-q and Colorado 25122-1]

**BILLING CODE 1505-01-M**

#### Carson City District Grazing Advisory Board; Meeting

Notice is hereby given, in accordance with Pub. L. 94-579, that the Carson City District Grazing Advisory Board meeting has been rescheduled for Thursday, June 14.

A morning field trip to the Antelope Mountain area (north of Reno, Nevada) will be made to view a grazing allotment with an existing allotment management plan.

A luncheon and business meeting will take place following the field trip at La Pinata Restaurant, 1575 Vassar Street in Reno.

Agenda items include (as they relate to range improvements) an update on the District's range environmental statement and planning schedule; wild horse and burro program; range improvement projects for fiscal years 1979 and 1980; and renewal of the grazing board's charter and member elections.

The meeting is open to the public. Any person may attend, appear before the Board, or file a written statement.

Date signed: May 7, 1979.

Thomas J. Owen,  
District Manager.

[FR Doc. 79-15189 Filed 5-15-79; 8:45 am]

**BILLING CODE 4310-84-M**

#### Tuledad/Home Camp Grazing System Implementation Wilderness Inventory (California); Proposed Decision

##### Background

Pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579) and the Wilderness Inventory Handbook (September 27, 1978); the BLM State Director of California has made an initial proposed decision on one wilderness inventory unit located in northwestern Nevada within the Susanville, California

District. The intensive inventory of this unit has been conducted in advance of the statewide inventory in order to implement a key requirement of the Tulead/ Home Camp Grazing System as determined in recent environmental statements.

The Tulead/ Home Camp Grazing ES Area is an area of 700,000 acres of public lands in northeastern California and northwestern Nevada. The Bureau of Land Management proposes to implement a grazing management program through allotment management plans (AMPs) for the Tulead/ Home Camp Planning Units. Three levels of management are to be implemented; systematic grazing management on 670,000 acres; custodial management on approximately 5,000 acres; and livestock grazing exclusions (no livestock grazing) on 19,000 acres. Construction of various range facilities would be required to implement the AMPs.

A key requirement in the implementation of the grazing systems is approximately 3,000 acres of range type conversion to provide early spring forage. This allows the native range a period of rest in a critical growth period. To consider beginning planned and funded projects in the area this fall, an accelerated inventory of one 39,000 acre unit, CA-020-912, which contains the proposed range type conversion areas, was conducted.

#### Proposed Decision

The California State Director's proposed decision on the wilderness inventory of the one inventory unit is as follows: CA-020-912

The public lands contained within this unit do not meet the criteria for identification as a wilderness study area.

#### I. Physical Boundaries

The unit lies entirely in Washoe County, Nevada. The west boundary is formed by a road running from Sand Spring south to Nevada Highway 34 and the highway southeast to its intersection with the road to Stevens Camp. The east boundary is formed by the road to Stevens Camp northward to the junction near Grassy Cabin. The unit boundary is completed by a road from Grassy Cabin northwest to Sand Spring.

#### II. Land Ownership

The unit is comprised of 38,480 acres of public land and 520 acres of non-public land in 8 scattered tracts varying in size from 40 acres to 120 acres.

#### III. Description of Environment

The landscape is dominated by an undulating north-south ridgeline centrally located, running the unit's length, and averaging less than 2 miles in width. Surrounding the ridgeline and extending to the unit boundaries are flat to rolling slopes broken by very shallow ephemeral drainages. Big sagebrush is the major vegetation over the unit with a few isolated patches of juniper and mahogany trees at higher elevations.

#### IV. Natural Condition

The unit has not retained a natural condition; man's imprint upon the landscape can be seen throughout much of this unit. Sixteen miles of bulldozed fenceline bisect the area and 30 miles of vehicular routes of travel not meeting road criteria (ways) meander throughout the area. Additionally, 5.5 miles of fence enclose a 975 acre area planted with non-native grasses and 5 miles of dead-end roads exist within the unit. The unit is unnatural in character.

#### V. Outstanding Opportunities for Solitude or a Primitive and Unconfined Type of Recreation

The area does not have inherent natural features to provide outstanding opportunities for solitude or a primitive and unconfined type of recreation. The centrally located ridge which overlooks the area and the flat low sagebrush-covered terrain surrounding the ridge would not isolate visitors from one another. The non-extensive and non-complex ridge and associated flats would not offer exceptional chance for one to engage in primitive type of recreation.

#### Decision Summary and Rationale

The lands in the above inventory unit do not meet the established criteria for identification as a wilderness study area.

#### Public Review

A 30 day formal public review of this proposed decision will begin May 22, 1979, and will be terminated on June 20, 1979. A public meeting will be held on the proposed decision at 7:00 p.m., June 5, 1979, at the Hotel Mt. Lassen, located at Main and Lassen Streets, Susanville, California 96130. Written comments may be sent to the Susanville District Office, P.O. Box 1090, Susanville, California 96130, in care of the District Manager.

#### Supplementary Information

Additional information concerning this proposed decision can be obtained

from the Wilderness Coordinator at the Susanville District Office.

Ed Hastey,  
State Director.  
[FR Doc. 79-15188 Filed 5-15-79; 8:45 am]  
BILLING CODE 4310-84-M

#### Wilderness Inventory—California; Extension of Public Comment Period

The Public Review and Comment Period on the *Draft Initial Wilderness Inventory Report*, February 1979, for public land administered by BLM, California outside the California Desert Conservation Area has been extended through June 2, 1979.

This report, released March 1, 1979, identifies those wilderness inventory units found to be obviously not suitable for further consideration for wilderness under the Bureau's Wilderness Inventory Program.

The *Draft Intensive Wilderness Inventory Report* on the remaining, approximately 3 million acres, public lands administered by BLM, California will be available for public review and comment about July 16, 1979.

Persons still wishing to provide input into this inventory effort may send their comments to: Bureau of Land Management (Wilderness), Room 2921, 2800 Cottage Way, Sacramento, CA 95825. (For additional information reference the *Federal Register Notice* of March 5, 1979, page 12110).

Ed Hastey,  
State Director.  
[FR Doc. 79-15188 Filed 5-15-79; 8:45 am]  
BILLING CODE 4310-84-M

#### National Park Service

##### Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Lake Mohave Resort, authorizing it to continue to provide lodging, restaurant and marina facilities and services for the public at Lake Mead National Recreation Area for a period of approximately fifteen (15) years from January 1, 1979.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a

significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, Nevada 89005.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1978, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Lake Mohave Resort, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Lake Mohave Resort is substantially equal to others received. In the event a responsive proposal superior to that of Lake Mohave Resort (as determined by the Secretary) is submitted, Lake Mohave Resort, will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Lake Mohave Resort. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be submitted within thirty (30) days after the publication date of this notice to be considered and evaluated.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: May 8, 1978.

Daniel J. Tobin, Jr.,  
Director, National Park Service.  
[FR Doc. 79-15195 Filed 5-15-79; 8:45 am]  
BILLING CODE 4310-70-M

#### Office of the Secretary

#### Proposed Range Management Program for the Little Lost-Birch Creek Planning Area, Idaho; Availability of Draft Environmental Statement and 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 a proposed grazing

management program for the Little Lost-Birch Creek Planning Unit of the Idaho Falls District located in southeastern Idaho. Written comments are invited and should be received at Idaho Falls District Office, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401 by July 2, 1979.

The proposal involves changes in initial stocking rates, implementing improved grazing systems and installation of certain range improvements. Approximately 332,000 acres of public lands and 65,000 acres of withdrawn lands (Department of Energy) are involved.

Copies of the draft environmental statement are available for inspection at the following locations:

Idaho Falls District Office, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, Telephone: (208) 529-1020.

Idaho State Office, Bureau of Land Management, Federal Building, 500 W. Fort Street, Boise, Idaho 83724, Telephone: (208) 384-1770.

Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.

A limited number of single copies may be obtained from the Idaho State Director, and the Idaho Falls District Manager, Bureau of Land Management at the above addresses.

Notice is also given that public hearings will be held at: Council Chambers, City Electrical Building, 140 South Capital, Idaho Falls, Idaho, June 13, 1979, at 7 p.m., MDT.

The public hearings will be conducted by the Associate State Director, Idaho State Office, Bureau of Land Management. Individuals wishing to testify may do so by appearing at a hearing place as previously specified. Persons wishing to give testimony will be limited to 10 minutes, with written submissions invited. Prior to giving testimony at public hearings, individuals or spokesmen are requested to complete a hearing registration form. Registration forms may be obtained by contacting the Idaho Falls District Manager at the above address.

Dated: May 11, 1979.

Larry E. Meierotto,  
Assistant Secretary of the Interior.

[INT DES 79-24]  
[FR Doc. 79-15190 Filed 5-15-79; 8:45 am]  
BILLING CODE 4310-84-M

#### Idaho Agricultural Development; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has

prepared a draft environmental statement for Agricultural Development in Southwest Idaho.

The proposal involves converting 111,015 acres of Federal rangeland in Elmore, Twin Falls, and Owyhee Counties in southwest Idaho to agricultural development during a 5 year period from 1980 through 1984. Two methods of conversion will be examined: The Desert Land Act and the Carey Act. The statement will cover the major impacts on land and water resources, socioeconomics and the energy impacts.

The Department of the Interior invites written comments on the draft statement to be submitted within 45 days of this notice to the District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

A limited number of copies are available upon request to the District Manager at the above address.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240  
Telephone 202-343-5717.

Idaho State Office, Bureau of Land Management, Box 042 Federal Building, 550 W. Fort Street, Boise, Idaho 83724  
Telephone 208-384-1770.

Boise District Office, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702 Telephone 208-384-1582.

Notice is also given that oral and/or written comments will also be received at a formal public hearing at:

Rodeway Inn, Alturas Room, 29th & Chinden Blvd., Boise, Idaho, on June 11, 1979 at 7:00 p.m.

Owyhee County Courthouse, Murphy, Idaho June 12, 1979 at 7:00 p.m.

Little Tree Inn, Twin Falls, Idaho June 13, 1979 at 2:00 p.m.

An administrative law judge will preside over the hearing. Witnesses presenting oral comments should limit their testimony to 10 minutes. Written requests to testify orally should be submitted to Dean D. Bibles, District manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702, before June 6, 1979. Comments on the draft environmental statement, whether written or oral, will receive equal consideration in preparation of a final environmental statement.

Dated: May 11, 1979.

Larry E. Meierotto,  
Assistant Secretary of the Interior.

[INT. DES. 79-23]  
[FR Doc. 79-15218 Filed 5-15-79; 8:45 am]  
BILLING CODE 4310-84-M



**Hearings; Lands Withdrawals in Alaska by the Secretary of the Interior Under Section 204(c) of the Federal Land Policy and Management Act**

**AGENCY:** Department of the Interior.

**ACTION:** Notice.

**SUMMARY:** The Department of the Interior will conduct a third series of public hearings to collect written and oral testimony on the desirability and need to withdraw lands pursuant to the provisions of Section 204(c) of the Federal Land Policy and Management Act, primarily as additions to the National Wildlife Refuge System.

**DATES:** Public hearings will be held in San Francisco, California, and Denver, Colorado, on June 7, 1979, and Washington, D.C., on June 8, 1979. The hearings will begin at 9:00 a.m. and will continue until 8:00 p.m. if necessary.

**ADDRESSES:** Public hearings will be held at the following locations: California Hall, 625 Polk St., San Francisco, CA 94102; Bureau of Reclamation Auditorium, Entrance W-1, Building 56, Denver Federal Center, Denver, CO 80225; and Interior Department Auditorium, 18th & C. St., N.W., Washington, D.C. 20240. Written requests to testify must be mailed in advance to the address specified below for each of the hearings.

**FOR FURTHER INFORMATION CONTACT:** Burkett S. Neely, Jr., Alaska Native Claims Staff, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (telephone 202-343-7533).

**SUPPLEMENTARY INFORMATION:** The primary author of this document is Ronald L. Fowler, Division of Refuge Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (telephone 202-343-4305).

On November 16, 1978, Public Land Order 5653, as amended by Public Land Order 5654, was issued under the emergency withdrawal authority provided to the Secretary by Section 204(e) of the Federal Land Policy and Management Act of 1976 (FLPMA). The Secretary of the Interior determined that an emergency situation existed and that extraordinary measures had to be taken to protect values of the approximately 110 million acres that were withdrawn.

On December 1, 1978, President Carter used his authority under the Antiquities Act of 1906 to designate 17 new national monuments in Alaska, totaling approximately 56 million acres. President Carter's proclamations covered thirteen units to be

administered by the National Park Service, two units to be managed by the U.S. Fish and Wildlife Service and two National Forest units which will continue to be managed by the Forest Service. Most of these lands are included within the 110 million acres in Alaska which were withdrawn by the Secretary on November 16, 1978, under Section 204(e) of FLPMA.

**Discussion**

On March 29, 1977, (44 FR 18746) the Department published a notice concerning public hearings in six Alaskan villages. On April 30, 1979 (44 FR 25278), the Department announced further public hearings in Anchorage, Fairbanks, and Tanana, Alaska. This notice announces additional public hearings in San Francisco, California, Denver, Colorado, and Washington, D.C., to hear comment on proposals for final withdrawal under Section 204(c) of the FLPMA. The approximately 57 million acres of lands under consideration are generally the remainder of those lands which were withdrawn by the Secretary but not designated as National Monuments by the President. Mostly, these lands are now protected by the emergency withdrawal issued by the Secretary on November 16, 1978, after Congress failed to pass legislation placing these critical federal lands in conservation system units—national parks, national wildlife refuges, wild and scenic rivers.

When the National Monuments were established by Presidential Proclamation, the Secretary was directed to "proceed with necessary steps" for final withdrawals for the remaining areas. These steps involve holding public hearings first and then providing Congress with documentation similar to that submitted in connection with the emergency withdrawals. Appropriate documents pertaining to the areas and withdrawal actions being proposed are available for review at U.S. Fish and Wildlife Service offices in Anchorage, Fairbanks, Nome, Bethel, Juneau, Kenai, and Kodiak, Alaska; at U.S. Fish and Wildlife Service Regional Offices in Portland, Oregon, Albuquerque, New Mexico, Denver, Colorado, Twin Cities, Minnesota, Atlanta, Georgia, and Newton Corner, Massachusetts; at San Francisco Bay National Wildlife Refuge, Fremont, California (9800 Thornton Avenue, across the street and south of Dunbarton Bridge Toll Plaza); and at U.S. Fish and Wildlife Service, Alaska Native Claims Staff Office, Washington, D.C. These documents will also be available during the hearings.

All interested parties including Federal, State, borough and municipal agencies, local interests, and individual citizens and groups are invited to write to the address specified below requesting to be scheduled to testify at one of the hearings listed above.

San Francisco, California Public Hearing—June 7, 1979, 9 a.m.

Write to Mr. Jim Mills, Assistant Regional Director, Heritage Conservation and Recreation Service, Attn: 204(c) Public Hearing, 450 Golden Gate Avenue, San Francisco, CA 94102.

Denver, Colorado Public Hearing, June 7, 1979, 9:00 a.m.

Write to: Regional Director, U.S. Fish and Wildlife Service, Attn: PAO-204(c) Public Hearing, P.O. Box 25486, Denver Federal Center, Denver, CO 80225.

Washington, D.C., Public Hearing, June 8, 1979, 9:00 a.m.

Write to: Mr. Burkett S. Neely, Jr., Alaska Native Claims Staff Attn: 204(c) Public Hearing, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

Written statements may be either mailed to the above address in advance of the hearing, or handed to the hearing officer at the hearing. Those persons scheduled will be afforded a maximum of 10 minutes to express their views concerning the proposed withdrawals. Oral statements will be heard, but for accuracy of the record, all testimony should be submitted in writing. The record of the hearing will be forwarded to the Secretary for final consideration.

The Department of the Interior encourages written expression relative to the proposal at any time. However, in order to be incorporated in the official record, all communications should be mailed to the Alaska Area Director, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99507, within 30 days following each hearing.

Dated: May 14, 1979.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 79-15438 Filed 5-15-79; 8:45 am]

BILLING CODE 4310-10-M

**INTERNATIONAL TRADE COMMISSION**

**Certain Plastic-Molding Apparatus and Components Thereof; Order**

In the Matter of Certain Plastic-Molding Apparatus and Components Thereof.

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K.

Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this Order upon all parties of record and shall publish it in the Federal Register.

Issued: May 10, 1979.

Donald K. Duvall,  
Chief Administrative Law Judge.

[Investigation No. 337-TA-66]  
[FR Doc. 79-15271 Filed 5-15-79; 8:45 am]

BILLING CODE 7020-02-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Theatre Advisory Panel Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theatre Advisory Panel to the National Council on the Arts, will be held on June 2, 1979 from 9:00 a.m.—5:30 p.m. in Room 1422 of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 2, 1979, from 9:00 a.m.—10:00 a.m. for Questions and Answers pertaining to the Theatre for Youth Category and for a policy discussion.

The remaining sessions of this meeting on June 2, 1979, from 10:00 a.m.—5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register March 17, 1977, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

May 8, 1979.

[FR Doc. 79-15220 Filed 5-15-79; 8:45 am]

BILLING CODE 7537-01-M

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards Ad Hoc Subcommittee on Implications of Three Mile Island, Unit 2 Accident; Meeting

The ACRS Ad Hoc Subcommittee on Implications of the Three Mile Island, Unit 2 Accident will hold a meeting on May 31 and June 1, 1979 in Room 1046, 1717 H St. N.W., Washington, D.C. 20555.

In accordance with the procedures outlined in the Federal Register on October 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: *Thursday and Friday, May 31 and June 1, 1979, 8:30 a.m. until the conclusion of business each day.*

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendation to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will discuss with representatives of the NRC Staff, the nuclear industry, various utilities, and their consultants, state and local officials, and other interested persons, the implications of the Three Mile Island, Unit 2 Accident.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to

the Designated Federal Employee for this meeting, Mr. Richard K. Major (telephone 202/634-1414), between 8:15 a.m. and 5:00 p.m., EDT.

Background information concerning this nuclear station can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street N.W., Washington, DC 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, PA 17126.

Dated: May 10, 1979.

John C. Hoyle,  
Advisory Committee Management Officer.

[FR Doc. 79-15122 Filed 5-15-79; 8:45 am]

BILLING CODE 7590-01-M

### Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 24 and 48 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Units Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

The amendments for BSEP, Units 1 and 2 provide Technical Specifications for the protective instrumentation associated with the Anticipated Transients Without Scram Recirculation Pump Trip. These specifications were inadvertently omitted when Amendment No. 12 to DPR-71 and Amendment No. 39 to DPR-62 were issued on November 23, 1977.

The amendment for BSEP Unit 2 also changes the Technical Specifications to establish revised safety and operating limits for operation in Cycle 3 with 7x7, 8x8, and 8x8R fuel.

The application for 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 the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental

impact and that pursuant to 10 CFR Section 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated February 2, 1979, as supplemented March 16, 21 and 27, April 13 and 27, and May 1, 1979, (2) Amendment Nos. 24 and 48 to Licenses Nos. DPR-71 and DPR-62, 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, N.W., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. 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 2nd day of May 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,  
Chief, Operating Reactors Branch No. 3, Division of  
Operating Reactors.

[Docket Nos. 50-325 and 50-324]  
[FR Doc. 79-15242 Filed 5-15-79; 8:45 am]  
BILLING CODE 7590-01-M

### Commonwealth Edison Co.; Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating License Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Company (the licensee) for operation of the Zion Station Units 1 and 2 (the facility) located in Zion, Illinois.

The amendments will involve changes to the common Technical Specifications for both Zion Units 1 and 2 to increase the total peaking factor limit,  $F_Q$ , from 1.86 to 1.93.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By June 6, 1979, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the

subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this Federal Register Notice and Section 2.714 of 10 CFR, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Mr. Phillip P. Steptoe, Isham, Lincoln and Beale, One First National Plaza, Chicago, Illinois 60690, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to the action, see the application for amendments dated March 22, 1979, which is available for inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099.

Dated at Bethesda, Maryland, this 27th 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. 79-15243 Filed 5-15-79; 8:45 am]  
BILLING CODE 7590-01-M

### Union of Concerned Scientists' Petition for Reanalysis of the Capacity of Operating U.S. Nuclear Power Plants to Withstand Earthquakes

Notice is hereby given that by petition dated March 28, 1979, the Union of Concerned Scientists requested that the Commission order all licensees of operating reactors to perform seismic reanalysis within 120 days of the Commission's order. This request is being treated under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the request within a reasonable time. Copies of this request are available for inspection in the Commission's Public Document Room, 1717 H Street, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 10th day of May, 1979.

For the Nuclear Regulatory Commission.

Roger S. Boyd, Acting Director,  
Office of Nuclear Reactor Regulation.  
[FR Doc. 79-15244 Filed 5-15-79; 8:45 am]  
BILLING CODE 7590-01-M

### Wisconsin Public Service Corp. et al.; Issuance and Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensee) which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wisconsin. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to permit waiving the turbine stop and governor valve testing at end of cycle.

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 April 16, 1979, (2) Amendment No. 30 to Facility Operating License No. DPR-43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Kewaunee Public Library, 822 Juneau Street, Kewaunee, Wisconsin 54216. 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 7th day of May, 1979.

For The Nuclear Regulatory Commission.

A. Schwencer,  
Chief, Operating Reactors Branch No. 1, Division of  
Operating Reactors.

[Docket No. 50-305]

[FR Doc. 79-15245 Filed 5-15-79; 8:45 am]

BILLING CODE 7590-01-M

### Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, RH 802-4, is entitled "Calculational Models for Estimating Radiation Doses to Man from Airborne Radioactive Materials Resulting from Uranium Milling Operations" and is intended for Division 3, "Fuels and Materials Facilities." It describes basic

features of calculational models used by the NRC staff for estimating the radiological impacts resulting from the radioactive effluents from uranium mills and suggests values for various parameters used in the estimation of radiation doses.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by July 16, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides or the latest revision of published guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides or draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 8th day of May 1979.

For The Nuclear Regulatory Commission.

Karl R. Goller,  
Director, Division of Siting, Health and Safeguards  
Standards, Office of Standards Development.

[FR Doc. 79-15246 Filed 5-15-79; 8:45 am]

BILLING CODE 7590-01-M

### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

#### Intergovernmental Science, Engineering, and Technology Advisory Panel; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel; Natural Resource and Environment Task Force Hazardous Waste Workshop

Date: June 4-5, 1979, June 4—8:30 a.m.—6:00 p.m., June 5—8:30 a.m.—2 p.m.

Place: National Conference of State Legislatures Headquarters, 1405 Curtis St., Denver, Colorado.

Type of Meeting: Open.

Contact Person: Mr. Leonard Slosky, Natural Resources and Environment Task Force ISETAP, Office of Science and Technology Policy, Executive Office of the President (202/395-4596).

Minutes of the meeting: Executive minutes of the meeting will be available from Mr. Slosky's office.

#### Tentative Agenda

1. The Role of Research To Assist in Locating New Hazardous Waste Management Facilities.
2. The Role of Research in the Identification and Management of Abandoned Hazardous Waste Facilities.
3. Financial and Institutional Measures in Managing Abandoned Hazardous Waste Facilities.

William J. Montgomery,

Executive Officer, Office of Science and Technology.

May 9, 1979.

[FR Doc. 79-15182 Filed 5-15-79; 8:45 am]

BILLING CODE 3170-01-M

### POSTAL RATE COMMISSION

#### McElhattan, Pa. 17748 (Charles Thomas, Petitioner); Notice and Order of Filing of Appeal

Issued May 11, 1979.

On April 30, 1979, the Commission received a handwritten letter from Charles Thomas, a citizen of McElhattan, Pennsylvania (hereinafter "Petitioner"), concerning the alleged plans of the United States Postal Service to close the McElhattan, Pennsylvania post office. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be liberally construed as a petition for review pursuant to § 404(b) of the Act [39 U.S.C. 404(b)]. We do so in order to preserve the Petitioner's right to appeal,

which is subject to a 30-day time limit.<sup>1</sup> The petition apparently was written by a layman, rather than by an attorney, and it does not conform exactly to the Commission's rules of practice, which also require that a petitioner attach to the petition a copy of the Postal Service's Final Determination.<sup>2</sup> However, § 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.<sup>3</sup>

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to ". . . insure that such persons will have an opportunity to present their views."<sup>4</sup> In effect, the petition can reasonably be construed as a request that the decision to close the McElhattan post office be reversed. From the face of the petition it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held, or whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.<sup>5</sup>

The Postal Reorganization Act states:

The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.<sup>6</sup>

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition contends that service at the McElhattan post office is very good and that mail routed through a rural box has been lost. The petition appears to

set forth the Postal Service action complained of in sufficient detail to warrant a determination whether the Service complied with its own regulations for the closing of post offices.<sup>7</sup>

Upon preliminary inspection, the petition appears to raise the following issue of law:

Is loss (or theft), if any, of mail matter from rural mail boxes in the postal area in or around the McElhattan, Pennsylvania post office of such magnitude as would preclude a "maximum degree of effective and regular postal services" (39 U.S.C. 404(b)(2)(C)), if rural mail box delivery were to replace delivery at the McElhattan post office?

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Conversely, the determination may be found to resolve adequately the issue described above.

In view of the above, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case.<sup>8</sup> In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 15 days of receiving the determination and record pursuant to § 113 of the rules of practice (39 CFR 3001.113), make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 15 days of its issuance, and a copy of the memorandum shall be served on Petitioner by the Service.

In briefing the case, or in filing any motion to dismiss for want of prosecution in appropriate circumstances, the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the

Commission in section 404(b) cases, and none is being appointed.<sup>9</sup>

#### The Commission Orders:

(A) The letter of April 30, 1979, from Charles Thomas shall be construed as a petition for review pursuant to § 404(b) of the Act [39 U.S.C. § 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the *Federal Register*.

(C) The Postal Service shall file the administrative record in this case on or before May 15, 1979, pursuant to the Commission's rules of practice [39 CFR 3001.113(a)].

By the Commission.

David F. Harris,  
Secretary.

April 30, 1979, filing of petition.

May 11, 1979, notice and order of filing of appeal.

May 15, 1979, filing of record by Postal Service [see 39 CFR § 3001.113(a)].

May 21, 1979, last day for filing of petitions to intervene [see 39 CFR § 3001.111(b)].

May 30, 1979, petitioner's initial brief [see 39 CFR § 3001.115(a)].

June 14, 1979, Postal Service answering brief [see 39 CFR § 3001.115(b)].

June 29, 1979, (1) Petitioner's reply brief, if petitioner chooses to file each brief [see 39 CFR § 3001.115(c)].

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

August 28, 1979, expiration of 120-day decisional schedule [see 39 U.S.C. § 404(b)(5)].

[Docket No. A79-18; Order No. 278]

[FR Doc. 79-15283 Filed 5-15-79; 8:45 am]

BILLING CODE 7715-01-M

#### Sugar Run, Pa. 18846 (Marjorie G. Walker, Petitioner); Notice and Order of Filing of Appeal

Issued May 11, 1979.

On May 7, 1979, the Commission received a handwritten letter from Marjorie G. Walker (hereinafter "Petitioner"), concerning alleged United States Postal Service plans to close the Sugar Run, Pennsylvania, post office. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be liberally construed as a petition for review pursuant to § 404(b) of the Act [39 U.S.C. § 404(b)], so as to preserve Petitioner's right to appeal which is subject to a 30-day time limit.<sup>1</sup> Since the petition was apparently not written by an attorney, it

<sup>1</sup> 39 U.S.C. § 404(b)(5). 39 U.S.C. § 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-1311. Our rules of practice governing these cases appear at 39 CFR § 3001.110 *et seq.*

<sup>2</sup> 39 CFR 3001.111(a).

<sup>3</sup> 39 CFR 3001.1.

<sup>4</sup> 39 U.S.C. 404(b)(1).

<sup>5</sup> 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

<sup>6</sup> 39 U.S.C. 101(b).

<sup>7</sup> 42 FR 59079-59085 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. § 404(b)(5).

<sup>8</sup> Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79-1, *et al.* (May 7, 1979).

<sup>9</sup> In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1976).

<sup>1</sup> 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-1311. Our rules of practice governing these cases appear at 39 CFR § 3001.110 *et seq.*

does not conform perfectly with the Commission's rules of practice which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.<sup>2</sup> However, § 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.<sup>3</sup>

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to ". . . ensure that such persons will have an opportunity to present their views."<sup>4</sup> The petition requests that the decision to close the Sugar Run post office be reversed. From the face of the petition it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held, and whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.<sup>5</sup>

The Postal Reorganization Act states:

The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.<sup>6</sup>

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to consolidate post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act. The Petitioner objects to the closing on the ground that service will be reduced. Additionally, the Petitioner challenges the Postal Service's cost-benefit ratio.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.<sup>7</sup>

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Did the Postal Service adequately consider the effect the closing would have on service under the "maximum degree of effective and regular postal services" standard of § 404(b)(2)(C), particularly obtaining window services at times other than the appearance of the rural carrier?

Did the Postal Service properly compute the economic savings specified in section 404(b)(2)(D)? Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Conversely, the determination may be found to resolve adequately one or more of the issues described above.

In view of the above, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case.<sup>8</sup> In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the determination and record pursuant to § 113 of the rules of practice (39 CFR 3001.113), make the request therefor by order specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of its issuance, and a copy of the memorandum shall be served on Petitioner by the Service.

In briefing the case, or in filing any motion to dismiss for want of prosecution, in appropriate circumstances, the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in § 404(b) cases, and none is being appointed.<sup>9</sup>

*The Commission Orders:* (A) The letter of May 7, 1979, from Marjorie G. Walker shall be construed as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].

<sup>2</sup> Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79-1, et al. (May 7, 1979).

<sup>3</sup> In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

(B) The Secretary of the Commission shall publish this Notice and Order in the Federal Register.

(C) The Postal Service shall file the administrative record in this case on or before May 22, 1979, pursuant to the Commission's rules of practice [39 CFR 3001.113(a)].

By the Commission.

David F. Harris,  
Secretary.

May 7, 1979—Filing of Petition.

May 11, 1979—Notice and Order of Filing Appeal.

May 22, 1979—Filing of record by Postal Service (see 39 CFR § 3001.113(a)).

May 29, 1979—Last day for filing of petitions to intervene (see 39 CFR § 3001.111(b)).

June 6, 1979—Petitioners' initial brief (see 39 CFR § 3001.115(a)).

June 21, 1979—Postal Service answering brief (see 39 CFR § 3001.115(b)).

July 6, 1979—(1) Petitioners' reply brief, if petitioners choose to file such brief (see 39 CFR § 3001.115(c)).

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

September 4, 1979—Expiration of 120-day decisional schedule (see 39 U.S.C. § 404(b)(5)).

[Docket No. A79-19; Order No. 277]

[FR Doc. 79-15286 Filed 5-15-79; 8:45 am]

BILLING CODE 7715-01-M

## THE PRESIDENT'S COMMISSION ON COAL

### Hearings

The President's Commission on Coal will hold public hearings on May 29 and 30, 1979 to explore ways of accelerating the replacement of imported oil with coal in the utility and industrial sectors. The hearings will be held from 9:00 a.m. until 5:00 p.m. each day in the Main Auditorium of the National Academy of Sciences, 2100 C Street, N.W., Washington, D.C.

Oral presentations will be by invited witnesses, but the hearing is open to the public and anyone wishing to submit a written statement for the hearing record is encouraged to do so.

The President's Commission on Coal was established by Executive Order in May, 1978 and is to make final recommendations to President Carter no later than December 14, 1979.

Persons wishing to submit written statements or who have questions about the hearing should contact Mr. James Childress, President's Commission on Coal, 600 E Street, N.W., Suite 500, Washington, D.C. 20004; 202/376-2001.

<sup>1</sup> 39 CFR 3001.111(a).

<sup>2</sup> 39 CFR 3001.1.

<sup>3</sup> 39 U.S.C. 404(b)(1).

<sup>4</sup> 39 C.F.R. 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

<sup>5</sup> 39 U.S.C. § 101(b).

<sup>6</sup> 42 FR 59079-59085 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. § 404(b)(5).

Dated: May 11, 1979.

Michael S. Koleda,

Executive Director, President's Commission on Coal.

[FR Doc. 79-15276 Filed 5-15-79; 8:45 am]

BILLING CODE 4510-23-M

## SMALL BUSINESS ADMINISTRATION

### Allied Bancshares Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations, governing small business investment companies (13 CFR 107.102 (1978)), under the name of Allied Bancshares Capital Corporation (Applicant), P.O. Box 3326, Houston, Texas 77001, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and sole shareholder of Applicant are as follows:

D. Kent Anderson, No. 12 E. Rivercrest Drive, Houston, Texas 77042, president, director.  
Ronald S. Davis, 1934 Fernspray, Houston, Texas 77049, vice president, secretary.  
Robert B. Goldstein, 357 No. Post Oak Ln., No. 106, Houston, Texas 77024, treasurer, director.  
John T. Trotter, 2148 Troon road, Houston, Texas 77019, director.  
Allied Bank of Texas at Houston, Esperson Building and One Shell Plaza, Houston, Texas 77002, 100 percent shareholder.

There will be only one class of stock authorized (100,000 shares of common). Initially only 960 shares of the common stock will be sold with a resultant private capital of \$2,400,000. Applicant proposes to conduct its operations principally within the State of Texas, and intends to establish a broad financing policy with no emphasis to be placed on any particular industry.

Allied Bank of Texas at Houston is a state bank, which is a wholly-owned subsidiary (except for directors' qualifying shares) Allied Bancshares, Inc. (Allied). As of December 31, 1978, Allied had approximately 8,100 shareholders with no shareholder owning beneficially more than 10 percent of the outstanding shares of common stock. Allied is a federal bank holding company. Allied's banks consist of 16 state banks and 3 national banks.

Matters involved in SBA's consideration of the application include

the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than May 31, 1979, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communication should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Houston, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 10, 1979.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[Proposed License No. 06/06-0217]

[FR Doc. 79-15286 Filed 5-15-79; 8:45 am]

BILLING CODE 8025-01-M

### American Capital Investment Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1978)), under the name of American Capital Investment Corporation, 900 So. 74 Plaza, Suite 106, Omaha, Nebraska 68114, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers and directors and their percentages of ownership are as follows:

Paul A. Bullock, 839 So. 93 Street, Omaha, NE 68114, president, director, 10.70% shareholder.  
Norman Veitzer, 12617 Cryer Avenue, Omaha, NE 68144, secretary/treasurer, director, 8.93% shareholder.  
Gary M. Domet, 709 South 56 Street, Omaha, NE 68106, director.  
Timothy P. Keyser, 5503 Harney Street, Omaha, NE 68132, general manager.

There will be two classes of stock authorized: five thousand shares each of common and preferred. Initially only six hundred shares of common will be issued at one dollar per share, and five

thousand shares of preferred at one hundred dollars per share, with a resultant private capital of \$500,600. Both classes of stock have equal voting rights. Applicant will conduct its business principally within the State of Nebraska.

Applicant intends to maintain a diversified investment policy and will emphasize equity investments as much as is practicable. The operations of the Applicant will be managed by Applied Business Systems, Inc. This firm is owned 100 percent by Mr. Bullock.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than May 31, 1979, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Omaha, Nebraska.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 10, 1979.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[Proposed License No. 07/07-0080]

[FR Doc. 79-15289 Filed 5-15-79; 8:45 am]

BILLING CODE 8025-01-M

### Evergreen Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On March 29, 1979, a notice was published in the Federal Register (44 FR 18761) stating that an application had been filed by Evergreen Capital Corporation, 1500 City National Bank Building, 9th and Congress, Austin, Texas 78701, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1978)), for a license to operate as a small business investment company (SBIC). The company has since moved to Suite 180, 7700 San Felipe, Houston, Texas 77063.

Interested parties were given until the close of business April 13, 1979, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information; SBA issued License No. 06/06-0209, on May 4, 1979, to Evergreen Capital Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 10, 1979.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[License No. 06/06-0209]

[FR Doc. 79-15290 Filed 5-15-79; 8:45 am]

BILLING CODE 8025-01-M

## SMALL BUSINESS CONFERENCE COMMISSION

### White House Conference on Small Business

In accordance with Section 10(a) of the Federal Advisory Committee Act (5 U.S.C. appendix I), announcement is made of the following national commission meeting.

### Small Business Conference Commission Meeting Time Change

The meeting of the Small Business Conference Commission originally scheduled for May 25, 1979, between 9:30 a.m. and 10:30 a.m., at the Harry S Truman Library in Independence, Missouri, has been changed. The meeting will now be held between 8:30 a.m. and 10:30 a.m., at the Truman Library on the same date. Original notification of this meeting appeared in the Federal Register on April 27, 1979 (44 FR 24967).

Dated: May 11, 1979.

K Drew,

Deputy Advocate for Advisory Councils, U.S. Small Business Administration.

[FR Doc. 79-15287 Filed 5-15-79; 8:45 am]

BILLING CODE 8025-01-M

## Internal Revenue Service

### District Directors and Service Center Directors; Revision of Delegation of Authority

Issued: May 14, 1979.

**AGENCY:** Internal Revenue Service.

**ACTION:** Revision of Delegation Order No. 40 (Revised).

**SUMMARY:** The authority delegated to District Directors of Internal Revenue to make credits and refunds, within the applicable period of limitations, for overpayments including any interest

allowable thereon, made against any liability in respect to any internal revenue tax on the part of the person who made such overpayment, including those cases requiring reporting to the Joint Committee on Internal Revenue Taxation has also been delegated to Service Center Directors.

**EFFECTIVE DATE:** May 14, 1979.

### FOR FURTHER INFORMATION CONTACT:

Mr. J. Bruce Miller, 1111 Constitution Avenue, N.W., Room 7046, Washington, D.C. 20224, 202-566-4832.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

Moris R. Coleman,

Acting Director, Returns Processing and Accounting Division.

## Delegation Order

### Credits and Refunds

The authority as set forth in 26 CFR 301.6402.1 is hereby incorporated in this delegation order and herewith delegated to District Directors of Internal Revenue and Service Center Directors of Internal Revenue, to make credits or refunds, within the applicable period of limitations, of overpayments in any amount, of any internal revenue tax, additional amount, addition to the tax, assessable penalty and allowable interest thereon, including those cases requiring a report to the Joint Committee on Taxation.

The above authority to make credits and refunds shall be exercised only after compliance with all requirements of existing procedures for review.

The authority of District Directors may not be redelegated. Service Center Directors may redelegate but not lower the level of authorized certifying officers.

The acts of Service Center Directors previously making credits and refunds are hereby affirmed and ratified.

This order supersedes Delegation Order No. 40 (Revised) issued January 13, 1959.

William E. Williams,

Acting Commissioner.

[Delegation Order No. 40 (Rev. 2)]

[FR Doc. 79-15285 Filed 5-15-79; 8:45 am]

BILLING CODE 4830-01-M

## VETERANS ADMINISTRATION

### Addition/Renovation and 120-Bed Nursing Home Care Unit, VAMC, Dallas, Tex.; Finding of No Significant Impact

The proposed project actions provide for the construction of two separate projects an Ambulatory Care Addition and a 120-Bed Nursing Home Care Unit. The Ambulatory Care Addition/Renovation action proposes a two story building addition behind and adjacent to Building No. 2. The tentative design will have parking and mechanic space on the ground level and approximately 30,000 gross square feet of hospital space on the second level. A future vertical expansion is tentatively planned to add seven additional floors to provide space to alleviate criteria deficiencies in the existing VA Medical Center.

The 120-bed NHCU is planned as a single freestanding structure northwest of Building No. 1. The structure will be approximately 55,000 gross square feet.

Mitigating of potential or anticipated project impacts include compliance with Federal, State and local air quality regulations and erosion control guidelines. Also, notice abatement measures will be instituted to reduce construction noise impact.

An analysis of all environmental factors related to the proposed project indicates a Finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202-389-2526).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: May 9, 1979.

By direction of the Administrator.

Maury S. Crallo, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-15203 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

### Ambulatory Care Addition and Land Purchase for Parking VAMC, Memphis, Tenn.; Finding of No Significant Impact

The proposed project will improve Ambulatory Care Service by renovation



of the first floor of Ambulatory Care and construction of a new addition of approximately 40,000 square feet to house the Outpatient Clinic at the Veterans Administration Medical Center, Memphis, Tennessee. This construction will occur in an existing parking area. To replace this parking and partially accommodate the increased parking needs generated by this construction, another project proposes to acquire land to be used for parking adjacent to the northeast corner of the site. The four parcels under consideration for purchase are presently parking lots which are leased by the Veterans Administration. They total about 34,800 square feet.

Environmental impacts, as a result of the project, are a temporary disturbance of the Ambulatory Care Service at the VAMC, a minor increase in storm water siltation, and construction noise, dust and fumes. Mitigating actions include expansion of a buffer zone around the Medical Center which will improve necessary security and removal of the potential for the expansion of land uses incompatible with the VAMC and the surrounding residential area. The land acquisition will remove potential commercial usage lands from the public market. Effects which will mitigate the impact on the environment caused by construction of the Ambulatory Care Addition will be improved health care service, landscaping of the completed structure and improved accessibility to the Outpatient Care Service from the patient parking area.

An analysis of all environmental factors related to the proposed project indicates a Finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C. (202-389-2526).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66),  
Veterans Administration, 810 Vermont  
Avenue, N.W., Washington, D.C. 20420.  
Dated: May 10, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,  
Assistant Deputy Administrator for Financial Management  
and Construction.

[FR Doc 79-15205 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

### 208-Bed Domiciliary, VAMC, Leavenworth, Kans.; Finding of No Significant Impact

The proposed project provides for the construction of a 208-Bed Domiciliary Facility at the Veterans Administration Medical Center, Leavenworth, Kansas. The facility layout will consist of two three-story buildings in a cluster configuration prototype design containing 54,000 net square feet of space.

Impacts, as a result of the proposed project, are associated with topography, surface runoff and erosion. Construction noise and visual impacts will exist during construction of the project. Removal of vegetation will impact the site both physically and visually. Mitigating actions include erosion control measures, slope stabilization, onsite noise abatement methods and introduction of additional new plant material in the landscape design of the project. An analysis of all environmental factors related to the project indicates a Finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C. (202-389-2526).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66),  
Veterans Administration, 810 Vermont  
Avenue, N.W., Washington, D.C. 20420.  
Dated: May 9, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,  
Assistant Deputy Administrator for Financial Management  
and Construction.

[FR Doc 79-15209 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

### 208-Bed Domiciliary, VAMC, Mountain Home, Tenn.; Finding of No Significant Impact

The proposed project provides for the construction of a 208-Bed Domiciliary facility at the Veterans Administration Medical Center, Mountain Home, Tennessee. The project proposes construction of three buildings to be built as one unit in a cluster prototype design containing approximately 54,000 new square feet.

The project will have minimal impact on the human and natural environment as they affect topography, surface runoff

and erosion. Construction noise, dust, fumes and visual impacts will exist during construction of the project. Long term open space and visual impact will result from project development. The historic character of the station will be somewhat adversely affected. Mitigation of these impacts include erosion control measures, slope stabilization, onsite noise abatement methods, compatibility of exterior architectural material and historic coordination and planning. An analysis of all environmental factors related to the project indicates a Finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202-389-2526).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66),  
Veterans Administration, 810 Vermont  
Avenue, N.W., Washington, D.C. 20420.  
Dated: May 9, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,  
Assistant Deputy Administrator for Financial Management  
and Construction.

[FR Doc. 79-15210 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

### Building Addition and Boiler Plant Replacement VAMC, Castle Point, N.Y.; Finding of No Significant Impact

The proposed project provides for the construction of two separate projects, a Building Addition and a Boiler Plant replacement project at the Veterans Administration Medical Center, Castle Point, New York. The Building Addition Project consists of the construction of a new two-story building, with all supportive systems located near Building 15 at the Medical Center. The Boiler Plant is a replacement project that includes construction of a new building (approximately 50' x 150') and contains three new boilers, a generator, various pumps, a work area and office. Additional new steam conduits will also be constructed. The New Boiler Plant is sited northeast of the main complex and adjacent to the Warehouse area.

The projects will have impacts on the human and natural environment as they affect soil stability, erosion, vegetation and noise levels. Mitigating actions include erosion control measures and onsite noise abatement techniques.

Adequate design will reduce emissions into the air and will be in accordance with all applicable Federal, State and local air quality standards.

An analysis of all environmental factors related to the proposed projects indicates a Finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C. (202-389-2526).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.  
Dated: May 9, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-15202 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

#### Center Core Building, VAMC, Palo Alto, Calif.; Finding of No Significant Impact

The proposed project provides for the construction of a single, new multi-story Center Core Building at the Menlo Park Division of the Veterans Administration Medical Center, Palo Alto, California. The new building of approximately 95,000 net square feet is planned to be located in the area of the intersection of Hospital Plaza and Redwood Avenue.

Short term impacts as a result of this project are associated with construction phase. Mitigating actions include noise abatement and adequate construction methods. During construction some disruption of traffic flow can be anticipated. Phased construction along with the use of secondary entrance roads should keep disruption of vehicular circulation to a minimum.

An analysis of all environmental factors related to the project indicates a Finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C. (202-389-2426).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: May 10, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-15204 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

#### Emergency Generator and Electrical Deficiencies, VAMC, Albany, N.Y.; Finding of No Significant Impact

The proposed project will correct the electrical deficiencies at the Veterans Administration Medical Center, Albany, New York, through the installation of a new substation, normal and emergency distribution systems, and a new emergency generator.

The correction of electrical deficiencies involves primarily the installation of interior distribution systems plus the exterior siting and installation of a new substation and a new emergency generator. The proposed emergency generator will be located on the west side of Building No. 2 (utility wing), and constructed as an expansion of the existing generator Building No. 14. The new underground substation vault will be located in the southern corner of Wing "A", Building No. 1. The focus of the assessment is on an emergency generator unit and the new substation which are the only exterior additions/modifications to the facility.

The impacts, as a result of the proposed actions, are primarily associated with noise and exhaust emissions from the emergency generators. Mitigating actions are in the form of sound deadening enclosures, air silencers and mufflers on the equipment. Impacts of exhaust emissions are minimal during normal conditions of weekly 30-minute maintenance operations. An analysis of the environmental factors related to the proposed project indicates a finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202-389-2526).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: May 9, 1979.

By direction of the Administrator.

Maury S. Cralle,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-15200 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

#### Expansion of Clinic and Relocation of Support Facilities, VAMC, Temple, Tex.; Finding of No Significant Impact

The proposed project provides for the construction of a Clinical Expansion and Relocation project at the Veterans Administration Medical Center at Temple, Texas. The proposed project action will relocate administrative functions from existing areas into new construction. The project includes Basement Expansion and Excavation, Floor Renovations and minor site work. Realignment of small entry roads also will occur.

The proposed project will have impacts on the environment as they affect existing vegetation, soil stability and noise levels. Mitigating actions include the implementation of erosion and sedimentation controls, onsite noise abatement measures and building emissions design in accordance with Federal, State, and local air quality standards. Short term impacts of dust and fumes associated with the project construction phase will be minimized by control measures outlined in construction contract documents.

An analysis of all environmental factors related to the proposed project indicates a Finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202-389-2526).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: May 10, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-15206 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

**Medical School Education Building, VAMC, Mountain Home, Tenn.; Finding of No Significant Impact**

The proposed project provides for the construction of a Medical School Education Building at the Veterans Administration Medical Center, Mountain Home, Tennessee. The project proposes construction of new building and interior renovation of two existing structures. The new structure will contain approximately 72,000 gross square feet of space.

The project will have definite but minimal impacts on the human and natural environment as they affect open space, existing vegetation, and noise levels. Mitigating actions include development of two new smaller landscaped courtyard areas, utilization of an architectural design which is compatible both in form and material, and utilization of onsite noise abatement techniques during construction. Short term impacts of soil erosion and dust associated with construction will be reduced by control measures. An analysis of all environmental factors related to the proposed project indicates a Finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration 1425 K Street, N.W., Washington, D.C. (202-389-2526).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66),  
Veterans Administration, 810 Vermont  
Avenue, N.W., Washington, D.C. 20420.  
Dated: May 10, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc 79-15211 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

**Replace/Renovate Building 62, VAMC Tuskegee, Ala.; Finding of No Significant Impact**

The proposed project provides for the replacement of Building 62 at the Veterans Administration Medical Center at Tuskegee, Alabama. The project to construct a new Intermediate Medical Care Building adjacent to the main hospital building and demolition of Building 62.

The project will have impacts on the human and natural environment as it affects surface runoff, erosion and landscaping. Additionally, construction noise, fumes, dust and visual impacts will exist during construction of the project. Mitigating actions include landscaping, control of erosion, dust and fumes and noise abatement measures.

An analysis of all environmental factors related to the proposed project indicates a Finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington D.C., (202-389-2526).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66),  
Veterans Administration, 810 Vermont  
Avenue, N.W., Washington, D.C. 20420.  
Dated: May 9, 1979.

By direction of the Administrator.

Maury S. Cralle Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-15201 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

**Supply Warehouse, VAMC San Antonio, Tex.; Finding of No Significant Impact**

The proposed project provides for construction of a new one-story Supply Warehouse at the Veterans Administration Medical Center, San Antonio, Texas.

The project will have impacts on the human and natural environment as it affects surface runoff, erosion and landscaping. Additionally, construction noise, fumes, dust and visual impacts will exist during construction of the project. Mitigating actions include landscaping control of erosion, dust and fumes, and noise abatement measures.

An analysis of all environmental factors related to the proposed project indicates a Finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202-389-2526).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66),  
Veterans Administration, 810 Vermont  
Avenue, N.W., Washington, D.C. 20420.

Dated: May 10, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-15207 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

**Surgical Addition, VAMC, Palo Alto, Calif.; Finding of No Significant Impact**

The proposed project provides for the construction of a 3-floor surgical wing addition to the north corner of the main hospital building at the Veterans Administration Medical Center at Palo Alto, California.

The project will have impacts on the natural and human environments as it affects surface runoff, erosion, landscaping and energy use. Additionally, construction noise, fumes, dust and visual impacts will exist during construction. Mitigating actions include landscaping, implementation of noise control measures, compatibility of design, and control of erosion, dust, and fumes.

An analysis of all environmental factors related to the proposed project indicates a Finding of No Significant Impact.

The assessment is being placed for public examination in the Veterans Administration office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C. (202-389-2526).

Questions and requests for single copies of the Environmental Assessment should be addressed to:

Director, Environmental Affairs Office (66),  
Veterans Administration, 810 Vermont  
Avenue, N.W., Washington, D.C. 20420.

Dated: May 10, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

*Assistant Deputy Administrator for Financial Management and Construction.*

[FR Doc. 79-15206 Filed 5-15-79; 8:45 am]

BILLING CODE 8320-01-M

MC 103926 (Sub-82F), W. T. Mayfield Sons Trucking Co., now assigned modified procedure.

H. G. Homme, Jr.,

*Secretary.*

[Notice No. 88]

[FR Doc. 79-15268 Filed 5-15-79; 8:45 am]

BILLING CODE 7035-01-M

## INTERSTATE COMMERCE COMMISSION

### Assignment of Hearings

May 11, 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-C-10305, Pennsylvania Truck Lines, Inc., and James H. Russell, Inc.—Investigation And Revocation of Certificates, now assigned for hearing on May 16, 1979, (9 days), at Philadelphia, PA., is postponed indefinitely.

MC-66746 (Sub-21F), Shippers Express, Inc., now assigned for continued hearing on May 23, 1979 (2 days), at Memphis, TN, will be held in the Executive Inn, 1471 E. Brooks Road.

MC-111729 (Sub-744F), Purolator Courier Corp., now assigned for hearing on June 12, 1979, (9 days), at Memphis, TN, in a hearing room to be later designated.

MC-115841 (Sub-6653F), Colonial Refrigerated Transportation, Inc., now assigned for hearing on July 10, 1979, (9 days), at Chicago, IL, in a hearing room to be later designated.

MC-F-13763F, Crown Transport, Inc.—Purchase (Portion)—Masterson Transfer Co., Inc., MC-4484 (Sub-5F), Crown Transport, Inc., now assigned for Prehearing Conference on May 25, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 142672 (Sub-30F), David Beneux Produce & Trucking, Inc., now assigned May 18, 1979, at Philadelphia, PA., is cancelled and transferred to modified procedure.

MC 144140 (Sub-20F), Southern Freightways, Inc., transferred to modified procedure.

MC 141921 (Sub-17F), Sav-On Transportation, Inc., now assigned May 31, 1979, at Omaha, NE, is cancelled and transferred to modified procedure.

# Sunshine Act Meetings

Federal Register

Vol. 44, No. 96

Wednesday, May 16, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS

	Items
Federal Maritime Commission.....	1
National Science Board.....	2
Nuclear Regulatory Commission.....	3
Postal Service.....	4
Securities and Exchange Commission.....	5

### 1

#### FEDERAL MARITIME COMMISSION.

**TIME AND DATE:** May 17, 1979, 10 a.m.

**PLACE:** Room 12126, 1100 L Street NW., Washington, D.C. 20573.

**STATUS:** Closed.

**MATTER TO BE CONSIDERED:** Docket No. 78-51—Agreement No. 10349—A Cargo Revenue Pooling and Sailing Agreement—Argentina/United States Atlantic Trade; and Docket No. 78-52—Agreement No. 10346—A Cargo Revenue Pooling and Sailing Agreement—Argentina/United States Gulf Trade.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Francis C. Hurney, Secretary, (202) 523-5725.

[S-990-79 Filed 5-14-79; 11:30 am]

**BILLING CODE 6730-01-M**

### 2

#### 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:** Change in agenda.

**MATTERS TO BE CONSIDERED AT THE OPEN SESSION:** Addition to agenda.

Added Item: 2. Government Ethics; Mr. Bernhardt K. Wruble, Director, Office of Government Ethics.

Original agenda items 2-12 are now numbered 3-13.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Miss Vernice Anderson, Executive Secretary, (202) 632-5840.

[S-979-79 Filed 5-14-79; 11:05 am]

**BILLING CODE 7555-01-M**

### 3

#### NUCLEAR REGULATORY COMMISSION.

**TIME AND DATE:** May 16 and 17, 1979 (Revised).

**PLACE:** Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.

**STATUS:** Open and closed.

#### MATTERS TO BE CONSIDERED:

Wednesday, May 16, 9:30 a.m.

1. Continuation of Discussion of Uranium Mill Tailings Act (Approximately 1 hour—Public meeting continued from May 9).

Wednesday, May 16, 1:30 p.m.

1. Meeting with UCS on Petition for Reconsideration (Approximately 1½ hours—Public meeting).

2. Staff Briefing on Oconee Order (Approximately 1 hour—Public meeting, additional item).

Thursday, May 17, 9:30 a.m.

1. Briefing on Facts of TMI Operational Sequence (Approximately 1½ hours—Public meeting).

2. Affirmation Session (Approximately 10 minutes—Public meeting).

a. PRM-50-22—Bonding to Ensure Decommissioning

b. Petition to Defer Implementation of Security Personnel Qualification and Equipment.

Thursday, May 17, 2 p.m.

1. Briefing on Reactor Licensing Schedules (Approximately 1 hour—Public meeting).

2. Discussion of Personnel Matter (Approximately 1½ hours—closed—exemption 6).

#### CONTACT PERSON FOR MORE

**INFORMATION:** Walter Magee, (202) 634-1410.

Walter Magee,

Office of the Secretary.

May 11, 1979.

[S-976-79 Filed 5-14-79; 9:42 am]

**BILLING CODE 7590-01-M**

### 4

#### POSTAL SERVICE: Board of Governors.

##### Notice of Vote to Close Meeting

On May 9, 1979, the Board of Governors of the United States Postal Service voted to close to public observation a portion of its meeting currently scheduled for June 5, 1979. Each of the members of the Board except Mr. Sullivan, who voted against closure, voted in favor of partially closing this meeting, which is expected to be attended by the following persons: Governors Wright, Hardesty, Ching,

Robertson and Sullivan; Postmaster General Bolger; Deputy Postmaster General Conway; Senior Assistant Postmaster General Finch, and Secretary of the Board Cox.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's future planning that will include possible strategies concerning future postal collective bargaining negotiations and concerning future postal ratemaking.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

The Board is likewise of the opinion that public access to the planned discussion of future postal ratemaking strategies would be likely to disclose matters whose disclosure would be inconsistent with the public's interest in having the Board able to provide policy guidance to postal management on ratemaking issues on the basis of candid exploration of those issues, without concern for unreasonably influencing particular litigation. A number of these issues are likely to be the subjects both of administrative litigation during the course of the Postal Service's next general rate proceeding before the Postal Rate Commission and of the appellate judicial litigation which will probably follow that proceeding. Several of them are also involved in the appeals currently pending in the U.S. Court of Appeals for the D.C. Circuit from the

May 1978 Decision of the Governors on the "15-cent stamp" general rate case ("NAGCP III").

Accordingly the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), in that it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code, and also in that it is likely to disclose information prepared for use in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and postal service), which is specifically exempted from disclosure by section 410(c)(4) of title 39. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action, and that, pursuant to section 552b(c)(10) of title 5 and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding. Finally, the Board of Governors has determined that the public interest does not require that the Board's discussion of its possible collective bargaining and ratemaking strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3), 552b(c)(9)(B), and 552b(c)(10) of title 5 and section 410(c)(3) of title 39, United States Code, and sections 7.3(c), 7.3(i) and 7.3(j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-981-79 Filed 5-14-79; 1:03 pm]

BILLING CODE 7710-12-M

5

**SECURITIES AND EXCHANGE COMMISSION.**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS:** [44 FR 25970 May 3, 1979].

**STATUS:** Closed meeting; open meeting.

**PLACE:** Room 825, 500 North Capitol Street, Washington, D.C.

**DATES PREVIOUSLY ANNOUNCED:** Monday May 7, 1979.

**CHANGES IN THE MEETING:** Additional item; deletion.

The following additional item will be considered at a closed meeting scheduled for Thursday, May 17, 1979, immediately following the 4:00 p.m. open meeting:

Institution of administrative proceeding of an enforcement nature.

The following item will not be considered at an open meeting scheduled for Thursday, May 17, 1979, at 2:30.:

Oral argument on an application for review by Cook & Co., Inc., L. Howard Cook and Edmund C. H. Hyun of an adverse decision by the National Association of Securities Dealers, Inc. For further information, please contact R. Moshe Simon at (202) 755-1530.

Commissioners Loomis, Pollack and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

May 14, 1979.

[S-982-79 Filed 5-14-79; 3:09 pm]

BILLING CODE 8010-01-M

# Industrial Energy Conservation Program

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Wednesday  
May 16, 1979

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## Part II

## Department of Energy

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Industrial Energy Conservation Program;  
Updated Identification of Corporations  
for Purposes of Industrial Energy  
Reporting and Recovered Materials  
Reporting

## DEPARTMENT OF ENERGY

## Industrial Energy Conservation Program; Updated Identification of Corporations for Purposes of Industrial Energy Reporting and Recovered Materials Reporting

AGENCY: Department of Energy.

ACTION: Notice of Corporate Identification.

**SUMMARY:** The Department of Energy (DOE) is updating its identification of corporations which consumed at least one trillion British thermal units of energy in calendar year 1977 in any of the 20 major energy-consuming manufacturing industries identified by DOE. This updated identification includes corporations which responded late to DOE's requirement to file information on energy consumption. The identification of appropriate corporations is required by the National Energy Conservation Policy Act (NECPA) which amended the Energy Policy and Conservation Act (EPCA). DOE is also notifying the newly identified corporations in four manufacturing industries of the requirements of Section 461 of the NECPA and is advising them that DOE will shortly specify the format for the first report on the use of recovered materials. The identified corporations are listed alphabetically by industry in the appendix to this notice.

**FOR FURTHER INFORMATION CONTACT:** On Industrial Energy Reporting:

Robert G. Massey, Industrial Programs, Office of Assistant Secretary, Conservation and Solar Applications, U.S. Department of Energy, 20 Massachusetts Avenue, N.W., Room 5114, Washington, D.C. 20585, (202) 376-9688.

## On Recovered Materials Reporting:

Lewis S. Newman, Industrial Programs, Office of Assistant Secretary, Conservation and Solar Applications, U.S. Department of Energy, 20 Massachusetts Avenue, N.W., Room 4206, Washington, D.C. 20585, (202) 376-4805.

**SUPPLEMENTARY INFORMATION:** In a Federal Register notice issued on January 4, 1979, (44 FR 1770, January 8, 1979), as corrected by notice issued on January 16, 1979 (44 FR 4008, January 19, 1979), the Department of Energy (DOE) described the implementation of the Industrial Energy Conservation Program (program) under Part E (formerly Part D) of Title III of the Energy Policy and Conservation Act (42 U.S.C. 6341-6346) (EPCA) and the changes and additions to the program mandated by the recently enacted National Energy Conservation

Policy Act (Pub. L. 95-619) (NECPA). These changes and additions include the requirement of section 601 of the NECPA that DOE identify each corporation which consumed at least one trillion British thermal units (Btu's) per year in any of the major energy-consuming industries identified by DOE and the requirement of section 461 of the NECPA that DOE notify the identified corporations in the four industries subject to section 461 of the requirements of section 461.

To implement these requirements of the NECPA, DOE in the January 8, 1979 Federal Register notice required all corporations which consumed at least one trillion Btu's of energy in calendar year 1977 in any of the 20 major energy-consuming industries identified by DOE to file a certified statement to that effect with DOE. The deadline for filing this report with DOE was January 29, 1979. Based on the reports filed in response to this information filing requirement, DOE identified corporations in a Federal Register notice issued February 7, 1979 (44 FR 9044, February 12, 1979). In that notice, DOE stated that at a future time it would identify those corporations which responded after the deadline and would publish an updated list of identified corporations in the Federal Register. Pursuant to that notice and section 373 of the EPCA, as amended, DOE identifies the corporations listed in the appendix to this notice.

Any corporation which meets the criteria set forth in the January 8, 1979 notice and has not responded to that notice must still respond to DOE as required by that notice. Failure to respond to the January 8 notice will not relieve any corporation otherwise required to report from the reporting requirements of the program.

DOE requested information from corporations on energy consumption on two bases, including and excluding the energy represented in petroleum and natural gas and their derivatives used as feedstocks. The distribution of responses to the Federal Register notice is shown in the following table:

sic and Industry	No. of corporations	
	In-cluding feed-stock	Exclud-ing feed-stock
20 Food and kindred products.....	118	118
21 Tobacco products.....	4	4
22 Textile mill products.....	51	51
23 Apparel and other textile products.....	1	1
24 Lumber and wood products.....	19	19
25 Furniture and fixtures.....	1	1
26 Paper and allied products.....	91	91
27 Printing and publishing.....	3	3
28 Chemicals and allied products.....	170	170

sic and Industry	No. of corporations	
	In-cluding feed-stock	Exclud-ing feed-stock
29 Petroleum and coal products.....	86	85
30 Rubber, misc. plastics products.....	31	31
31 Leather and leather products.....	1	1
32 Stone, clay and glass products.....	129	129
33 Primary metal products.....	108	107
34 Fabricated metal products.....	48	48
35 Machinery, except electrical.....	45	45
36 Electric, electronic equipment.....	28	28
37 Transportation equipment.....	38	38
38 Instruments and related products.....	11	11
39 Miscellaneous manufacturing industries...	2	2

DOE is currently preparing and will soon issue for public comment regulations for the expanded program. The regulations will establish whether those identified corporations which, excluding feedstocks, consumed less than one trillion Btu's will be required to report under the program and will establish procedures relating to DOE's identification of corporations. These regulations will require identified corporations to report on 1979 and subsequent energy consumption either directly or, if exempted, through an adequate voluntary program, as provided in Sections 375 and 376 of the EPCA, as amended. They also will prescribe revised exemption criteria for adequate voluntary reporting programs pursuant to section 376(g) of the EPCA.

It should be noted, however, that corporations which were identified prior to the issuance of the Federal Register notice published on February 12, 1979 (44 FR 9044), should file reports with DOE for their energy consumption through calendar year 1978 either directly or through an adequate voluntary reporting program, as appropriate.

In addition, DOE is notifying all identified corporations in SIC codes 22, 26, 30 and 33 that pursuant to section 374A of the EPCA, as established by section 461 of the NECPA, each such corporation will be required to report to DOE as follows: Initially, on the volume of energy-saving recovered materials the corporation is using in each of its manufacturing operations located in the United States and any plans it has to increase the utilization of such materials in those operations in each of the next ten years; and thereafter annually, on the progress it has made to increase the utilization of energy-saving recovered materials to reach targets established by DOE for its industry. DOE intends to inform these corporations of the time and format of the first report on the use of recovered materials very shortly. No report is required until those requirements are provided by DOE.



(Energy Policy and Conservation Act (Pub. L. 94-163), as amended by the National Energy Conservation Policy Act (Pub. L. 95-619); Federal Energy Administration Act of 1974 (Pub. L. 93-275), as amended; E.O. 11790 (39 FR 23185); The Department of Energy Organization Act (Pub. L. 95-91); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C., May 9, 1979.

Omi G. Walden,

Assistant Secretary, Conservation and Solar Applications.

## Appendix

### SIC 20—Food and Kindred Products

A. E. Staley Manufacturing Co.  
Adolph Coors Company  
American Brands, Inc.  
American Crystal Sugar Co.  
American Home Products Corp.  
American Maize-Products Co.  
Ampco Foods, Inc.  
Amstar Corporation  
Anderson Clayton & Co.  
Anheuser-Busch, Inc.  
Archer Daniels Midland Company  
Beatrice Foods Co.  
Borden, Inc.  
California & Hawaiian Sugar Co.  
California Cannery and Growers Co.  
Campbell Soup Company  
Cargill, Incorporated  
Carnation Company  
Castle & Cooke, Inc.  
Central Soya Co., Inc.  
Coca Cola Company  
Conagra, Inc.  
Consolidated Foods Corporation  
Continental Grain Company  
CPC International, Inc.  
Curtice-Burns, Inc.  
Dawson Mills, Inc.  
Del Monte Corporation  
Dillon Companies, Inc.  
Dubuque Packing Company  
Eli Lilly and Company  
Farmland Industries, Inc.  
Federal Company  
Flowers Industries, Inc.  
Foremost-McKesson, Inc.  
G. Heileman Brewing Company, Inc.  
General Foods Corporation  
General Mills, Inc.  
Geo. A. Hormel & Co.  
Gerber Products Company  
Gold Kist, Inc.  
Grain Processing Corporation  
Grain Terminal Association  
Great A. & P. Tea Co., Inc.  
Green Giant Company  
Greyhound Corporation  
Gulf & Western Industries, Inc.  
H. J. Heinz Company  
Henkel Corporation  
Hershey Foods Corporation  
Heublein, Inc.  
Holly Sugar Corporation  
Hunt International Resources Corp.  
Hygrade Food Products Corp.  
IC Industries, Inc.  
Imperial Sugar Company  
International Telephone & Telegraph Corp.  
Interstate Brands Corporation  
Iowa Beef Processors, Inc.  
J. R. Simplot Company

Jim Walter Corporation  
Jos Schlitz Brewing Company  
Joseph E. Seagram & Sons, Inc.  
Keebler Company  
Kellogg Company  
Kraft, Inc.  
Kroger Company  
Ladish Malting Co.  
Land O' Lakes, Inc.  
Lauhoff Grain Company  
Lever Brothers Company  
Liggett Group, Inc.  
Lykes Bros. Inc.  
Mars, Incorporated  
MBPXL Corporation  
Michigan Sugar Company  
Midwest Solvents Company, Inc.  
Minn-Dak Farmers Cooperative  
Monitor Sugar Company  
Moorman Manufacturing Co.  
Nabisco, Inc.  
National Starch & Chemical Corp.  
Natl. Distillers & Chemical Corp.  
Nestle Enterprises, Inc.  
Norton Simon, Inc.  
Olympia Brewing Company  
Oscar Mayer & Co.  
Pabst Brewing Company  
Pepsico, Inc.  
Perdue, Inc.  
Philip Morris, Incorporated  
Pillsbury Company  
Procter & Gamble Co.  
PVO International, Inc.  
Quaker Oats Company  
R. J. Reynolds Industries, Inc.  
R. T. French Company  
Ralston Purina Co.  
Rapid American Corporation  
Rath Packing Company  
RCA Corporation  
Riceland Foods, Inc.  
Safeway Stores, Incorporated  
Savannah Foods & Industries, Inc.  
SCM Corporation  
Standard Brands, Incorporated  
Stokely-Van Camp, Inc.  
Stroh Brewery Co.  
Sunkist Growers, Inc.  
Swift & Company  
Thomas J. Lipton, Inc.  
Tillie Lewis Foods, Inc.  
Tri/Valley Growers, Inc.  
Twin City Foods, Inc.  
U and I, Incorporated  
United Brands Company  
Univar Corporation  
Universal Foods Corporation

### SIC 21—Tobacco Products

American Brands, Inc.  
Brown & Williamson Tobacco Corp.  
Gulf & Western Industries, Inc.  
Philip Morris, Incorporated.

### SIC 22—Textile Mill Products

Abney Mills, Inc.  
American Hoechst Corporation  
American Thread Company  
Armstrong Cork Company  
Avondale Mills, Inc.  
Badische Corporation  
Bibb Company  
Borden, Inc.  
Burlington Industries, Inc.

Cannon Mills Company  
Coats & Clark, Inc.  
Colgate-Palmolive Company  
Collins & Aikman Corporation  
Cone Mills Corporation  
Cranston Print Works Company  
Crompton Company, Inc.  
Crown America, Inc.  
Daisy Hosiery Mills, Inc.  
Dan River, Inc.  
Dixie Yarns, Inc.  
Fieldcrest Mills, Inc.  
General Tire & Rubber Co.  
Goodyear Tire & Rubber Co.  
Graniteville Company  
Greenwood Mills, Inc.  
Gulf & Western Industries, Inc.  
Hanes Corporation  
High Voltage Engineering Corp.  
J. P. Stevens & Co., Inc.  
Johnson & Johnson  
Kiddie Tot Hosiery Mills, Inc.  
M. Lowenstein & Sons, Inc.  
Milliken & Company  
Mohasco Corporation  
Northwest Industries, Inc.  
RCA Corporation  
Reeves Brothers, Inc.  
Riegel Textile Corporation  
Shaw Industries, Inc.  
Spartan Mills, Inc.  
Sperry and Hutchinson Co.  
Springs Mills, Inc.  
Standard Oil Company (Indiana)  
Standard-Coosa-Thatcher Co.  
Texfi Industries, Inc.  
Thomaston Mills, Inc.  
Ti-Caro, Inc.  
Trend Company  
Union Underwear Company, Inc.  
United Merchants & Manufacturing, Inc.  
West Point-Pepperell, Inc.

### SIC 23—Apparel and Other Textile Products

Kellwood Company

### SIC 24—Lumber and Wood Products

Balfour Lumber Company  
Bendix Corporation  
Boise Cascade Corporation  
Champion International Corp.  
Evans Products Company  
Georgia-Pacific Corporation  
Jim Walter Corporation  
Koppers Company, Inc.  
Louisiana-Pacific Corporation  
MacMillan Bloedel, Inc.  
Masonite Corporation  
Owens-Corning Fiberglass Corp.  
Potlatch Corporation  
Roseburg Lumber Co.  
Southwest Forest Industries, Inc.  
Time, Inc.  
Vancouver Plywood Co., Inc.  
Weyerhaeuser Company  
Willamette Industries, Inc.

### SIC 25—Furniture and Fixtures

Roper Corporation

### SIC 26—Paper and Allied Products

Abitibi Corporation  
Abitibi Southern Corporation  
Alaska Lumber & Pulp Co., Inc.  
Alton Box Board Company  
American Can Company

American Home Products Corp.  
 Appleton Papers, Inc.  
 Armstrong Cork Company  
 Austell Box Board Corporation  
 Bell Fibre Products Corp.  
 Bird & Son, Inc.  
 Blandin Paper Company  
 Boise Cascade Corporation  
 Bowater Incorporated  
 Champion International Corp.  
 Chase Bag Company  
 Chesapeake Corporation  
 Clevepak Corporation  
 Collins & Aikman Corporation  
 Consolidated Papers, Inc.  
 Continental Group, Inc.  
 Crown Zellerbach Corporation  
 Dennison Manufacturing Company  
 Dexter Corporation  
 Diamond International Corp.  
 Erving Paper Mills, Inc.  
 Federal Paper Board Co., Inc.  
 Finch Pruyn & Co., Inc.  
 Flintkote Company  
 Fort Howard Paper Company  
 Fraser Paper Limited  
 GAF Corporation  
 Garden State Paper Co., Inc.  
 Georgia-Pacific Corporation  
 Gilman Paper Company  
 Great Northern Nekoosa Corp.  
 Green Bay Packaging, Inc.  
 Gulf & Western Industries, Inc.  
 Gulf States Paper Corp.  
 Hammermill Paper Company  
 Howard Paper Mills, Inc.  
 Hudson Pulp & Paper Corp.  
 International Paper Company  
 International Telephone & Telegraph Corp.  
 Interstate Paper Corporation  
 James River Corporation of Virginia  
 Jim Walter Corporation  
 Johns-Manville Sales Corp.  
 Johnson & Johnson  
 Keyes Fibre Co.,  
 Kimberly-Clark Corporation  
 Litton Industries, Inc.  
 Longview Fibre Company  
 Louisiana-Pacific Corporation  
 MacMillan Bloedel, Inc.  
 Marcal Paper Mills, Inc.  
 Masonite Corporation  
 Mead Corporation  
 Menasha Corporation  
 Minnesota Mining & Manufacturing Co.  
 Mobil Oil Corporation  
 National Gypsum Company  
 Newton Falls Paper Mill, Inc.  
 Olin Corporation  
 Ownes-Illinois, Inc.  
 P. H. Glatfelter Co.  
 Penntech Papers, Inc.  
 Philip Morris, Incorporated  
 Pineville Kraft Corporation  
 Port Huron Paper Company  
 Potlatch Corporation  
 Procter & Gamble Co.  
 SCM Corporation  
 Scott Paper Company  
 Simpson Paper Company  
 Sonoco Products Company  
 Southwest Forest Industries, Inc.  
 St. Joe Paper Company  
 St. Regis Paper Company  
 Stone Container Corporation

Tenneco, Inc.  
 Time, Inc.  
 Times Mirror Company  
 Union Camp Corporation  
 United States Gypsum Company  
 Virginia Fibre Corporation  
 Wausau Paper Mills Company  
 Western Paper & Mfg. Co.  
 Westvaco Corporation  
 Weyerhaeuser Company  
 Willamette Industries, Inc.

*SIC 27—Printing and publishing*

Chase Bag Company  
 Gulf & Western Industries, Inc.  
 R. R. Donnelley & Sons Company

*SIC 28—Chemicals and Allied Products*

Abbott Laboratories  
 Air Products & Chemicals, Inc.  
 Airco, Inc.  
 Akzona Incorporated  
 Alcon Laboratories, Inc.  
 Allegheny Ludlum Industries, Inc.  
 Allied Chemical Corporation  
 Aluminum Company of America  
 American Can Company  
 American Cyanamid Company  
 American Hoechst Corporation  
 American Home Products Corp.  
 American Petrofina, Inc.  
 American Synthetic Rubber Corp.  
 Arizona Chemical Company  
 Asarco, Incorporated  
 Ashland Oil, Inc.  
 Atlantic Richfield Company  
 Avtex Fibers, Inc.  
 B. F. Goodrich Company  
 Badische Corporation  
 BASF Wyandotte Corporation  
 Baxter Travenol Laboratories Inc.  
 Big Three Industries, Inc.  
 Borden, Inc.  
 Borg-Warner Corporation  
 Bristol-Myers Company  
 C. F. Industries, Inc.  
 Cabot Corporation  
 Cargill, Incorporated  
 Carrier Corp.  
 Celanese Corporation  
 Ciba-Geigy Corporation  
 Cities Service Company  
 Coastal States Gas Corporation  
 Colgate-Palmolive Company  
 Columbia Nitrogen Corporation  
 Cominco American, Incorporated  
 Commonwealth Oil Refining Co.  
 Continental Oil Company  
 Copolymer Rubber & Chemical Corp.  
 CPC International, Inc.  
 Dart Industries, Inc.  
 Diamond Crystal Salt Company  
 Diamond Shamrock Corporation  
 Dow Chemical Company  
 Dow Corning Corporation  
 E. I. Du Pont De Nemours & Co.  
 Eagle Picher Industries, Inc.  
 Eastman Kodak Company  
 El Paso Products Company  
 Eli Lilly and Company  
 Emery Industries, Inc.  
 Ethyl Corporation  
 Exxon Corporation  
 Farmland Industries, Inc.  
 Felmont Oil Corporation

Ferro Corporation  
 Firestone Tire & Rubber Co.  
 First Mississippi Corporation  
 FMC Corporation  
 Freeport Minerals Company  
 GAF Corporation  
 Gardinier Big River, Inc.  
 General Electric Company  
 General Tire & Rubber Co.  
 Georgia-Pacific Corporation  
 Getty Chemical Company  
 Goodyear Tire & Rubber Co.  
 Greyhound Corporation  
 Gulf & Western Industries, Inc.  
 Gulf Oil Corporation  
 Gulf Resources & Chemical Corp.  
 Hardy Salt Company  
 Hawkeye Chemical Company  
 Henkel Corporation  
 Hercules Incorporated  
 Hoffmann-La Roche, Inc.  
 Hygrade Food Products Corp.  
 ICI Americas, Inc.  
 International Minerals & Chemical Corp.  
 J. M. Huber Corporation  
 J. R. Simplot Company  
 Johnson & Johnson  
 Kaiser Aluminum & Chemical Corp.  
 Kerr-McGee Corporation  
 Knoll Pharmaceutical Co.  
 Koppers Company, Inc.  
 Kraft, Inc.  
 Lever Brothers Company  
 Linden Chemicals & Plastics, Inc.  
 Lubrizol Corporation  
 Mallinckrodt, Inc.  
 Martin Marietta Corporation  
 Melamine Chemicals, Inc.  
 Merck & Co., Inc.  
 Merichem Company  
 Miles Laboratories, Inc.  
 Minnesota Mining & Manufacturing Co.  
 Mississippi Chemical Corp.  
 Mobay Chemical Corporation  
 Mobil Oil Corporation  
 Monsanto Company  
 Morton-Norwich Products, Inc.  
 N-Ren Corporation  
 Nalco Chemical Company  
 Nipak, Inc.  
 Nipro, Inc.  
 NL Industries, Inc.  
 North American Rayon Corp.  
 Northern Natural Gas Company  
 Northwest Industries, Inc.  
 Occidental Petroleum Corp.  
 Olin Corporation  
 Oxirane Chemical Company  
 Pennwalt Corporation  
 Pfizer, Inc.  
 Phillips Petroleum Company  
 PPG Industries, Inc.  
 PQ Corporation  
 Procter & Gamble Co.  
 Publicker Industries, Inc.  
 PVO International, Inc.  
 Quaker Oats Company  
 Reichhold Chemicals, Inc.  
 Reilly Tar & Chemical Corp.  
 Reynolds Metals Company  
 Rhone-Poulenc, Inc.  
 Richardson-Merrell, Inc.  
 Rohm and Haas Company  
 SCM Corporation  
 Shell Oil Company

Sherex Chemical Co., Inc.  
 Sherwin-Williams Company  
 Signal Companies, Inc.  
 Soltex Polymer Corporation  
 Squibb Corporation  
 St. Joe Minerals Corporation  
 Standard Oil Company (Indiana)  
 Standard Oil Company (Ohio)  
 Standard Oil Company of California  
 Stauffer Chemical Company  
 Sterling Drug, Inc.  
 Superior Oil Company  
 Swift Agricultural Chemicals Corp.  
 Tenneco, Inc.  
 Terra Chemicals International, Inc.  
 Texaco, Inc.  
 Texasgulf, Inc.  
 Thiokol Corporation  
 Tyler Corporation  
 Union Camp Corporation  
 Union Carbide Corporation  
 Union Oil Co. of California  
 Uniroyal, Inc.  
 United States Borax & Chem. Corp.  
 United States Steel Corp.  
 Upjohn Company  
 USA Petroleum Corp.  
 Valley Nitrogen Producers, Inc.  
 Velsicol Chemical Corporation  
 Vertac, Inc.  
 Virginia Chemicals, Inc.  
 Vulcan Materials Company  
 W. R. Grace & Co.  
 Warner-Lambert Company  
 Westvaco Corporation  
 Willamette Industries, Inc.  
 Williams Companies  
 Witco Chemical Corporation

*SIC 29—Petroleum and Coal Products*

Agway, Inc.  
 Amerada Hess Corporation  
 American Home Products Corp.  
 American Petrofina, Inc.  
 Asamera Oil (U.S.) Inc.  
 Ashland Oil, Inc.  
 Atlantic Richfield Company  
 Beacon Oil Company  
 Belridge Oil Company  
 Bird & Son Inc.  
 Certainteed Corporation  
 Champlin Petroleum Co.  
 Charter International Oil Co.  
 Cities Service Company  
 Clark Oil & Refining Corp.  
 Coastal States Gas Corporation  
 Commonwealth Oil Refining Co.  
 Continental Oil Company  
 Crown Central Petroleum Corp.  
 Crystal Oil Company  
 Diamond Shamrock Corporation  
 Dorchester Gas Corporation  
 Energy Cooperative, Inc.  
 Exon Corporation  
 Farmers Union Central Exchange, Inc.  
 Farmland Industries, Inc.  
 Fletcher Oil & Refining Co.  
 GAF Corporation  
 Getty Refining & Marketing Co.  
 Great Lakes Carbon Corporation  
 Guam Oil & Refining Co., Inc.<sup>1</sup>  
 Gulf Oil Corporation  
 Holly Corp.

<sup>1</sup> Energy consumption was less than one trillion Btu's in 1977 when feedstocks were excluded.

Hunt Oil Company  
 Husky Oil Company  
 Indiana Farm Bureau Cooperative Association, Inc.  
 Jim Walter Corporation  
 Johns-Manville Sales Corp.  
 Kern County Refinery, Inc.  
 Keer-McGee Corporation  
 Loch Industries, Inc.  
 Koppers Company, Inc.  
 Little America Refining Co.  
 Louisiana Land & Exploration Co.  
 Marathon Oil Company  
 Mobil Oil Corporation  
 Murphy Oil Corporation  
 National Cooperative Refinery Association  
 OKC Corp.  
 Oklahoma Refining Company  
 Owens-Corning Fiberglas Corp.  
 Pacific Resources, Inc.  
 Pennzoil Company  
 Petrolite Corp.  
 Phillips Petroleum Company  
 Placid Refining Company  
 Powerline Oil Company  
 Pride Refining, Inc.  
 Quaker State Oil Refining Corp.  
 R. J. Reynolds Industries, Inc.  
 Reserve Oil & Gas Company  
 Rock Island Refining Corp.  
 Shell Oil Company  
 Sinclair Oil Corp.  
 Southern Union Company  
 Southland Oil Company  
 Standard Oil Company (Indiana)  
 Standard Oil Company (Ohio)  
 Standard Oil Company of California  
 Standard Products Co.  
 Sun Company, Inc.  
 Superior Oil Company  
 Tenneco, Inc.  
 Tesoro Petroleum Corp.  
 Texaco, Inc.  
 Texas Eastern Transmission Corp.  
 Time Oil Company  
 Tosco Corporation  
 Total Petroleum, Inc.  
 Union Oil Co. of California  
 Uniroyal, Inc.  
 United Refining Company<sup>1</sup>  
 USA Petroleum Corp.  
 Vickers Petroleum Corporation  
 Winston Refining Company  
 Witco Chemical Corporation

*SIC 30—Rubber, Misc. Plastic Products*

Amerace Corporation  
 American Cyanamid Company  
 Armstrong Rubber Company  
 B. F. Goodrich Company  
 Budd Company  
 Continental Group, Inc.  
 Cooper Tire & Rubber Company  
 Dart Industries, Inc.  
 Dayco Corporation  
 Eagle Picher Industries, Inc.  
 Ethyl Corporation  
 Firestone Tire & Rubber Co.  
 G. Heileman Brewing Company, Inc.  
 Gates Rubber Company  
 General Electric Company  
 General Motors Corporation  
 General Tire & Rubber Co.  
 Goodyear Tire & Rubber Co.  
 High Voltage Engineering Corp.

Michelin Tire Corporation  
 Minnesota Mining & Manufacturing Co.  
 Mobay Chemical Corporation  
 Novamont Corporation  
 Raychem Corporation  
 Reichhold Chemicals, Inc.  
 Rhone-Poulenc, Inc.  
 Roper Corporation  
 Union Carbide Corporation  
 Uniroyal, Inc.  
 W. R. Grace & Co.  
 Westinghouse Electric Corp.

*SIC 31—Leather and Leather Products*

Roper Corporation

*SIC—32 Stone, Clay and Glass Products*

Adolph Coors Company  
 AFG Industries, Inc.  
 Allied Products Company  
 Alpha Portland Cement Company  
 Amcord, Inc.  
 American Standard, Inc.  
 Amsted Industries Incorporated  
 Anchor Hocking Corporation  
 Arkansas Louisiana Gas Company  
 Armco, Inc.  
 Armstrong Cork Company  
 Ash Grove Cement Company  
 Austin White Lime Company  
 Babcock & Wilcox Company  
 Ball Corporation  
 Basic Incorporated  
 Belden Brick Company  
 Bethlehem Steel Corporation  
 Bickerstaff Clay Products Co., Inc.  
 Boreon Clay Products Company  
 Brockway Glass Company, Inc.  
 California Portland Cement Co.  
 Can-AM Corporation  
 Capitol Aggregates, Inc.  
 Centex Corporation  
 Certainteed Corporation  
 CLM Corporation  
 Combustion Engineering, Inc.  
 Copley Cement Manufacturing Co.  
 Corning Glass Works  
 Crane Co.  
 Dart Industries, Inc.  
 Delta Macon Brick & Tile Co.  
 Dickey Company  
 Domtar Industries, Inc.  
 Dorsey Corporation  
 Dravo Corporation  
 Dresser Industries, Inc.  
 Dundee Cement Company  
 Eagle Picher Industries, Inc.  
 Edw. C. Levy Company  
 Eltra Corporation  
 Engelhard Minerals & Chemicals Corp.  
 Federal Paper Board Co., Inc.  
 Ferro Corporation  
 Filtrol Corporation  
 Flintkote Company  
 Ford Motor Company  
 GAF Corporation  
 Gallo Glass Company  
 General Telephone & Electronic Corp.  
 General Dynamics Corp.  
 General Electric Company  
 General Shale Products Corp.  
 Georgia-Pacific Corporation  
 Giant Portland & Masonry Cement Co.  
 Gifford-Hill & Company, Inc.  
 Glen-Gery Corporation

Glenshaw Glass Company, Inc.  
Guardian Industries, Corp.  
Gulf & Western Industries, Inc.  
Harsco Corporation  
Ideal Basic Industries, Inc.  
Illinois Cement Company  
Interpace Corporation  
J. E. Baker Company  
J. M. Huber Corporation  
Jim Walter Corporation  
Johns-Manville Sales Corp.  
Justin Industries, Inc.  
Kaiser Aluminum & Chemical Corp.  
Kaiser Cement & Gypsum Corp.  
Kennecott Copper Corporation  
Kerr Glass Manufacturing Corp.  
Keystone Portland Cement Co.  
Kohler Co.  
Kraft, Inc.  
Lancaster Colony Corp.  
Litchford Glass Company  
Lehigh Portland Cement Company  
Libbey-Owens-Ford Company  
Liberty Glass Company  
Louisville Cement Company  
Martin Marietta Corporation  
Mc Donough Co.  
Midland Glass Company, Inc.  
Minnesota Mining & Manufacturing Co.  
Mississippi Lime Company  
Missouri Portland Cement Co.  
Mogarch Cement Company  
National Bottle Manufacturing Company  
National Can Corporation  
National Cement Company  
National Gypsum Company  
Nevada Cement Company  
Newmont Mining Corporation  
Northwestern States Portland Cement Co.  
Norton Company  
Norton Simon, Inc.  
OKC Corp.  
Oregon Portland Cement Company  
Owens-Corning Fiberglas Corp.  
Owens-Illinois, Inc.  
Penn-Dixie Industries, Inc.  
Pfizer, Inc.  
Pomona Corporation  
Portland Cement Co. of Utah  
PPG Industries, Inc.  
Puerto Rican Cement Co., Inc.  
Rangaire Corporation  
Reybestos Manhattan, Inc.  
Reichhold Chemicals, Inc.  
Republic Steel Corp.  
Rockwool Industries, Inc.  
Round Rock Lime Company  
San Antonio Portland Cement Co.  
Solite Corporation  
Southdown, Inc.  
Southern Industries Corp.  
St. Clair Lime Company  
Texas Industries, Inc.  
United States Gypsum Company  
United States Steel Corp.  
Vulcan Materials Company  
Warner Company  
Weyerhaeuser Company  
Wheaton Industries  
Whitehall Cement Manufacturing Co.  
Woodville Lime & Chemical Co.

*SIC 33—Primary Metal Industries*

Airco, Inc.,  
Alcan Aluminum Corporation

Allegheny Ludlum Industries, Inc.  
Allied Chemical Corporation  
Alumax, Inc.  
Aluminum Company of America  
Amax, Inc.  
American Can Company  
American Cast Iron Pipe Co.  
American Home Products Corp.  
American Telephone & Telegraph Co.  
Amsted Industries Incorporated  
Armco, Inc.  
Asarco, Incorporated  
Athlone Industries, Inc.  
Atlantic Richfield Company  
Atlantic Steel Company  
Babcock & Wilcox Company  
Bethlehem Steel Corporation  
Budd Company  
Cargill, Incorporated  
Carpenter Technology Corp.  
Caterpillar Tractor Co.  
Ceco Corp.  
Century Brass Products, Inc.  
Chromium Mining & Smelting Corp.  
Clow Corporation  
Colt Industries, Inc.  
Connors Steel Company  
Consolidated Aluminum Corp.  
Crane Company  
Cyprus Mines Corporation  
Dana Corporation  
Dayton Malleable, Inc.  
Dow Chemical Company  
Eaton Corp.  
Engelhard Minerals & Chemicals Corp.  
Ethyl Corporation  
Evans Products Company  
Florida Steel Corporation  
Ford Motor Company  
General Cable Corporation  
General Electric Company  
General Motors Corporation  
Great Lakes Carbon Corporation  
Grede Foundries, Inc.  
Gulf & Western Industries, Inc.  
Gulf Resources & Chemical Corp.  
Hanna Mining Co.—Silicon Div.<sup>1</sup>  
Hanna Nickel Smelting Company  
Hayes-Albion Corp.  
Huntington Alloys, Inc.  
IC Industries, Inc.  
Inland Steel Company  
Inspiration Consolidated Copper Co.  
Interlake, Inc.  
International Minerals & Chemical Corp.  
Jim Walter Corporation  
Jones & Laughlin Steel Corp.  
Kaiser Aluminum & Chemical Corp.  
Kaiser Steel Corporation  
Kennecott Copper Corporation  
Keystone Consolidated Industries, Inc.  
Koppers Company, Inc.  
Korf Industries, Inc.  
Laclede Steel Company  
Louisiana Land & Exploration Co.  
Lukens Steel Company  
Martin Industries, Inc.  
Martin Marietta Corporation  
McLouth Steel Corporation  
Mead Corporation  
Midland-Ross Corporation  
National Steel Corporation  
National-Standard Company  
Neehah Foundry Company  
Newmont Mining Corporation

NL Industries, Inc.  
Noranda Aluminum, Inc.  
Northwest Industries, Inc.  
Northwestern Steel & Wire Co.  
Ohio Ferro-Alloys Corporation  
Olin Corporation  
Outboard Marine Corporation  
Pacific States Steel Corp.  
Pechiney Ugine Kuhlmann Corp.  
Phelps Dodge Corporation  
Phoenix Steel Corporation  
Quanex Corporation  
Republic Steel Corp.  
Revere Copper and Brass, Inc.  
Reynolds Metals Company  
Roane Electric Furnace Co., Inc.  
Shenango Incorporated  
Southwire Co.  
St. Joe Minerals Corporation  
Sundstrand Corporation  
Teledyne, Inc.  
Timken Company  
Tyler Corporation  
Union Carbide Corporation  
United States Steel Corp.  
United Technologies Corp.  
Vulcan Materials Company  
Wabash Alloys, Inc.  
Wean United, Inc.  
Wheeling Pittsburgh Steel Corp.  
White Consolidated Industries, Inc.

*SIC 34—Fabricated Metal Products*

Adolph Coors Company  
Allegheny Ludlum Industries, Inc.  
Aluminum Company of America  
American Can Company  
American Home Products Corp.  
American Standard, Inc.  
Amsted Industries Incorporated  
Babcock & Wilcox Company  
Bethlehem Steel Corporation  
Budd Company  
Cameron Iron Works, Inc.  
Canton Drop Forging & Manufacturing Co.  
Century Brass Products, Inc.  
Chrysler Corporation  
Combustion Engineering, Inc.  
Continental Group, Inc.  
Crown Cork & Seal Company, Inc.  
Ford Motor Company  
Frost Co.  
G. Heileman Brewing Company, Inc.  
General Motors Corporation  
Gulf & Western Industries, Inc.  
Harsco Corporation  
Inland Steel Company  
International Telephone & Telegraph Corp.  
Kaiser Aluminum & Chemical Corp.  
Keystone Consolidated Industries, Inc.  
Kohler Co.  
Ladish Co.  
Martin Marietta Corporation  
Moorman Manufacturing Co.  
National Can Corporation  
National Steel Corporation  
NL Industries, Inc.  
Olin Corporation  
Raybestos Manhattan, Inc.  
Remington Arms Company, Inc.  
Reynolds Metals Company  
Rockwell International Corp.  
Roper Corporation  
Signal Companies, Inc.  
SKF Industries, Inc.

Stanley Works, Inc.  
 Stokely-Van Camp, Inc.  
 Sundstrand Corporation  
 TRW, Inc.  
 United States Steel Corp.  
 Wyman-Gordon Company

*SIC 35—Machinery, Except Electrical*

Allis-Chalmers Corporation  
 American Home Products Corp.  
 Borg-Warner Corporation  
 Briggs & Stratton Corporation  
 Carrier Corp.  
 Caterpillar Tractor Co.  
 Chrysler Corporation  
 Clark Equipment Company  
 Colt Industries, Inc.  
 Control Data Corporation  
 Cummins Engine Company, Inc.  
 Dana Corporation  
 Deere & Company  
 Dresser Industries, Inc.  
 Eaton Corp.  
 Emhart Corporation  
 FMC Corporation  
 Ford Motor Company  
 General Electric Company  
 General Motors Corporation  
 Harnischfeger Corporation  
 Hughes Tool Company  
 IC Industries, Inc.  
 Ingersoll-Rand Company  
 International Harvester Co.  
 International Business Machines Corp.  
 Litton Industries, Inc.  
 Mesta Machine Company  
 Moby Chemical Corporation  
 NCR Corporation  
 Outboard Marine Corporation  
 Raybestos Manhattan, Inc.  
 Rexnord, Inc.  
 Rockwell, International Corp.  
 Roper Corporation  
 SKF Industries, Inc.  
 Sperry Rand Corporation  
 Sundstrand Corporation  
 Teledyne, Inc.  
 Tenneco, Inc.  
 Timken Company  
 Trane Co.  
 TRW, Inc.  
 Westinghouse Electric Corp.  
 White Consolidated Ind. Inc.

*SIC 36—Electric, Electronic Equipment*

A. O. Smith Corporation  
 Airco, Inc.  
 American Telephone & Telegraph Co.  
 Eltra Corporation  
 Emerson Electric Co.  
 Ford Motor Company  
 General Telephone & Electronic Corp.  
 General Cable Corporation  
 General Electric Company  
 General Motors Corporation  
 Great Lakes Carbon Corporation  
 High Voltage Engineering Corp.  
 Hughes Aircraft Company  
 Johnson Controls, Inc.  
 Maytag Company  
 McGraw-Edison Company  
 Raytheon Company  
 RCA Corporation  
 Rockwell International Corp.  
 Roper Corporation

Square D Company  
 Sunbeam Corporation  
 Tappan Company  
 Union Carbide Corporation  
 Varian Associates, Inc.  
 Westinghouse Electric Corp.  
 Whirlpool Corporation  
 White Consolidated Industries, Inc.

*SIC 37—Transportation Equipment*

A. O. Smith Corporation  
 American Motors Corporation  
 AMF Incorporated  
 AVCO Corporation  
 Bendix Corporation  
 Bethlehem Steel Corporation  
 Boeing Company  
 Borg-Warner Corporation  
 Budd Company  
 Chrysler Corporation  
 Congoleum Corporation  
 Dana Corporation  
 Eaton Corp.  
 Ford Motor Company  
 Fruehauf Corporation  
 GATX Corp.  
 General Dynamics Corp.  
 General Electric Company  
 General Motors Corporation  
 Goodyear Tire & Rubber Co.  
 Grumman Corporation  
 Hercules Incorporated  
 Hughes Aircraft Company  
 International Harvester Co.  
 Litton Industries, Inc.  
 Lockheed Corporation  
 Martin Marietta Corporation  
 McDonnell Douglas Corp.  
 Northrop Corporation  
 Rockwell International Corp.  
 Roper Corporation  
 Signal Companies, Inc.  
 Sundstrand Corporation  
 Tenneco, Inc.  
 Thiokol Corporation  
 TRW, Inc.  
 United Technologies Corp.  
 Vought Corporation

*SIC 38—Instruments and Related Products*

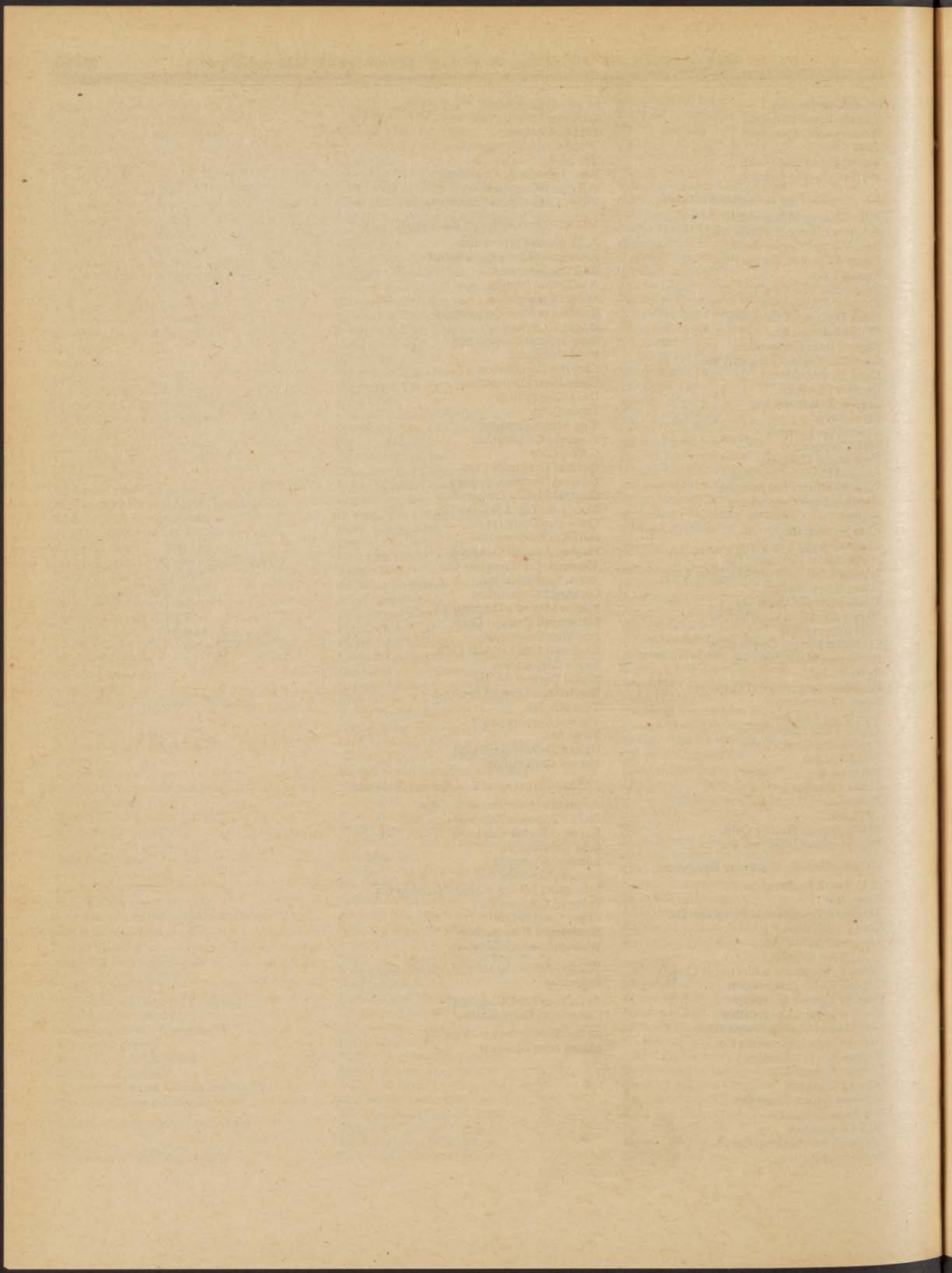
American Home Products Corp.  
 Baxter Travenol Laboratories, Inc.  
 Eastman Kodak Company  
 GAF Corporation  
 Johnson & Johnson  
 Johnson Controls, Inc.  
 Minnesota Mining & Manufacturing Co.  
 Polaroid Corporation  
 Roper Corporation  
 Sundstrand Corporation  
 Warner-Lambert Company

*SIC 39—Miscellaneous Manufacturing Industries*

Armstrong Cork Company  
 Congoleum Corporation

[FR Doc. 79-15189 Filed 5-15-79; 8:45 am]

BILLING CODE 6450-01-M



**Testis Report  
Federal Report**

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Wednesday  
May 16, 1979

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**Part III**

**Department of  
Health, Education,  
and Welfare**

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Office of Education

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Financial Assistance for Consumers'  
Education Projects

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**Office of Education**

**[45 CFR Part 161e]**

**Financial Assistance for Consumers'  
Education Projects**

**AGENCY:** Office of Education, HEW.

**ACTION:** Notice of proposed rulemaking

**SUMMARY:** The Commissioner of Education proposes to revise the regulations governing grants and contracts under the Consumers' Education Program. The revisions are required by the Consumer Education Act of 1978. Grants and procurement contracts are awarded to support projects that educate consumers in skills necessary to participate intelligently in the marketplace and to function effectively in the economy. These proposed regulations are considered technical.

**DATES:** Comments on these proposed regulations must be received on or before July 2, 1979

**ADDRESSES:** Comments should be addressed to Dustin W. Wilson, Jr., Director, Office of Consumers' Education, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

**FOR FURTHER INFORMATION CONTACT:** Dustin W. Wilson, Jr., (202) 653-5983.

**SUPPLEMENTARY INFORMATION:**

**Background**

Grants under the Consumers' Education Program are made through a yearly competition among applicants. They support activities—initiated by applicants—that teach individuals how to function more effectively in the marketplace and in their roles as consumer-citizens. Procurement contracts are awarded if the Commissioner initiates an activity necessary for development of the program. Requests for Proposals (RFPs) are solicited for contracts through **COMMERCE BUSINESS DAILY**, published by the Department of Commerce. Grants are awarded only to State and local educational agencies, institutions of higher education, and other public or non-profit private agencies, organizations, and institutions. Procurement contracts, however, may be awarded to private profit-making agencies, organizations, and institutions, in addition to the above entities.

The Consumer Education Act, formerly authorized under Section 811 of

the Elementary and Secondary Education Act of 1965, was reauthorized with no substantial changes by the Congress in the Education Amendments of 1978. It is now under Title III, Part E, Sec. 331 of the Elementary and Secondary Education Act (Pub. L. 95-561) and is one of a number of "Special Projects" grouped under Title III. The Consumers' Education Regulations become Part 161e of Title 45 of the Code of Federal Regulations.

The "Special Projects" all have these requirements in common: (1) local educational agencies (LEAs) must afford the public an opportunity to comment on the subject matter of their applications, in accordance with Sec. 1006 of the Elementary and Secondary Education Act of 1965, as amended; and (2) LEAs and State educational agencies (SEAs) must meet the requirements in Title III of the Elementary and Secondary Education Act for meeting the needs of students in non-profit private elementary and secondary schools.

These proposed regulations help to carry out the intent of the consumer's education legislation and simplify previous regulations.

**Education Division General  
Administrative Regulations (EDGAR)**

These proposed regulations do not contain requirements covered in the Education Division's General Administrative Regulations (EDGAR). EDGAR regulations, which apply to all Office of Education programs, will soon be published as a notice of proposed rulemaking (NPRM). They will replace the General Provisions for the Office of Education Programs Regulations. Anyone wanting to comment on the proposed EDGAR regulations should do so in response to the EDGAR NPRM, rather than to this NPRM.

The following items applicable to this program will be among those covered generally in EDGAR:

How to apply for a grant.

How grants are made.

Certain conditions that must be met by a grantee.

The administrative responsibilities of a grantee.

The procedures the Office of Education uses to get compliance.

In addition, applicants are encouraged to read the law that authorizes this program, since these regulations do not incorporate provisions that are clearly stated in the law. Copies of the law, EDGAR, and other relevant materials will be made available to applicants as part of the application packet.

**Citation of Legal Authority**

As required by section 431(a) of the General Education Provisions Act, as amended (20 U.S.C. 1232(a)), a citation of statutory or other legal authority has been placed in parentheses on the line following the text of each section.

**Invitation to Comment**

Interested persons are invited to submit written comments, suggestions, and recommendations to be considered prior to the issuance of the final regulations. Comments, suggestions, and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 45th day after publication of these proposed regulations will be considered.

All written comments submitted in response to this notice will be available for public inspection, both during and after the comment period, in Room 807, 1832 M Street, NW, Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Authority: these proposed regulations are issued under the authority of Part E of Title III of the Elementary and Secondary Education Act as amended by Pub. L. 95-561 (20 U.S.C. 2981-2986).

Dated: March 9, 1979.

Ernest L. Boyer,

U.S. Commissioner of Education.

Approved: May 8, 1979.

Hale Champion,

Acting Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Number 13.564, Consumer's Education Program.)

The Commissioner redesignates Part 160e of the Code of Federal Regulations (CFR) as Part 161e and proposes to revise the regulations to read as follows:  
**PART 160e—[Redesignated as Part 161e]**

**Part 161e—FINANCIAL ASSISTANCE  
FOR CONSUMERS' EDUCATION  
PROJECTS**

**Subpart A—General**

Sec.

161e.1 What is the Consumers' Education Program?

161e.2 What types of agencies are eligible to receive awards?

161e.3 What regulations apply to the Consumers' Education Program?

161e.4 What definitions apply specifically to this program?

161e.5-9 RESERVED

**Subpart B—What Kinds of Projects Does  
the Office of Education Assist Under this  
Program?**

161e.10 What are the purposes of the projects?

161e.11 What categories of activities are supported?



- 161e.12 What subject matter may be included?  
 161e.13 Will particular program subject matter be emphasized?  
 161e.14-19 RESERVED

**Subpart C—How Does One Apply for a Grant?**

- 161e.20 How does an applicant apply for funds?  
 161e.21-29 RESERVED

**Subpart D—How Is a Grant Made?**

- 161e.30 What selection criteria does the Commissioner use?  
 161e.31 What is the duration of a project?  
 161e.32-39 RESERVED

**Subpart E—What Conditions Must a Grantee Meet?**

- 161e.40 Are there restrictions on the kind of items a grant may support?  
 161e.41 What other restrictions apply?  
 161e.42-49 RESERVED  
 Authority.—Part E of Title III of the Elementary and Secondary Education Act as amended by Pub. L. 95-561 (20 U.S.C. 2981-2986).

**Subpart A—General**

**§ 161e.1 What is the Consumers' Education Program?**

The Consumers' Education Program supports educational projects designed to improve the skills of consumers. It supports activities that teach individuals how to function more effectively in the marketplace and in their roles as consumer-citizens. A consumers' education project must meet each of the requirements in section 334 of the Act. (20 U.S.C. 2983, 2984)

**§ 161e.2 What types of agencies are eligible to receive awards?**

- (a) *Grants.* The following are eligible to receive grants:  
 (1) Local educational agencies (LEAs);  
 (2) State educational agencies (SEAs);  
 (3) Institutions of higher education; and  
 (4) Other public agencies, and non-profit private organizations.  
 (b) *Procurement contracts.* The agencies and organizations in paragraph (a) above, as well as private profit-making organizations, are eligible to receive procurement contracts. (20 U.S.C. 2983)

**§ 161e.3 What regulations apply to the Consumers' Education Program?**

- (a) *Regulations.* The following regulations apply to the Consumers' Education Program:  
 (1) The Education Division General Administrative Regulations (EDGAR) in part 100a (Direct Grant Programs) and part 100c (Definitions);  
 (2) The regulations in this part 161e; and

(3) For procurement contracts, the applicable provisions of the Federal Procurement Regulations, 41 CFR, Chapters 1 and 3.

(b) *Definitions in EDGAR.* The following terms used in this part are defined in part 100c:

- "Applicant"  
 "Application"  
 "Budget"  
 "Commissioner"  
 "Contract"  
 "EDGAR"  
 "Elementary School"  
 "Equipment"  
 "Facilities"  
 "Grant"  
 "Institution of higher education"  
 "Local educational agency"  
 "Non-profit"  
 "Private"  
 "Project"  
 "Project period"  
 "Public agency"  
 "Secondary school"  
 "State educational agency"  
 (20 U.S.C. 2981)

**§ 161e.4 What definitions apply specifically to this program?**

- (a) As used in these regulations—  
 "Act" means the Consumer Education Act of 1978, Part E of Title III of the Elementary and Secondary Education Act, as amended by Pub. L. 95-561.  
 "Consumers' education" means developing skills, knowledge, and understanding that will help consumers to—

- (1) Recognize economic alternatives in purchasing goods and services, including social and civic services;  
 (2) Cope with the pressures to which they are exposed as members of the buying public;  
 (3) Prepare for and adjust to rapidly changing economic conditions and issues;  
 (4) Make educated choices in light of personal values, citizenship responsibilities, and social, economic, and ecological considerations; and  
 (5) Participate effectively as consumer-citizens in the economic and governmental systems, including the regulatory processes and the delivery of public services.

"Curriculum" means an organized course of study. This includes print and non-print learning materials.

"Educational service agency" means the agency, formed jointly by several LEAs or by State law, to provide to those LEAs special services including, but not limited to, audio-visual aids, vocational training, data processing, and classes for the handicapped.

"Resources" means materials, personnel, methods, or information.

"Short-term training" means training for individual project participants that lasts less than an academic year. This training is usually in the form of workshops, seminars, or similar activities.

"Target group" means the specific group to benefit from or participate in a project.

"Technical assistance" means expert help provided to another agency, organization, or group, in the form of training, planning consulting, or other specialized services.

(20 U.S.C. 2983)

**Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?**

**§ 161e.10 What are the purposes of the projects?**

The purposes of the projects are to—  
 (a) Provide one or more elements of consumers' education as defined in § 161e.4;

(b) Increase the capacity of the applicant agency to continue the benefits of its consumers' education services on a long-term basis;

(c) Develop new methods, materials, or activities that may be duplicated or adapted by other groups; or

(d) Develop models or new activities with the potential for making a long-term local, State, regional, or national impact.

(20 U.S.C. 2983)

**§ 161e.11 What categories of activities are supported?**

(a) *Grants.* The Commissioner awards funds for projects that support activities designed to—

(1) Research, develop, pilot test, and evaluate curricula and other activities and materials in consumers' education;

(2) Establish pilot or demonstration projects, or augment existing projects. These projects may be located in or associated with elementary or secondary schools, educational service units, postsecondary institutions, adult education centers, libraries, or labor unions; State, county, or city government agencies; or national, regional, or community organizations;

(3) Provide short-term training to prepare employees of the organizations in paragraph (2) above to plan, organize, and carry out consumers' education projects. This includes training to teach consumer-related subject matter. Long-term training is not supported;

(4) Establish or expand pilot or demonstration projects to serve the

needs of the elderly, Native Americans, persons with limited English-speaking ability, the handicapped, and low-income groups; and

(5) In the case of grants to State and local educational agencies and institutions of higher education, support consumers' education at the elementary, secondary, and higher education levels.

(b) *Procurement contracts.* The Commissioner may award procurement contracts to meet the needs of this program. Requirements and criteria for specific procurement contract projects are published in **COMMERCE BUSINESS DAILY**. Projects are designed to—

(1) Research, test, assess, evaluate, and disseminate existing consumers' education activities and materials, including those not otherwise assisted under this program;

(2) Disseminate information and provide developmental and technical assistance to agencies and organizations that are planning, developing, or carrying out consumers' education projects;

(3) Prepare and distribute consumers' education materials by mass media; and

(4) Support research and other activities the Commissioner determines are necessary for the development of the Consumers' Education Program. (20 U.S.C. 2983)

**§ 161e.12 What subject matter may be included?**

Consumers' education projects may include, but need not be limited to, the following—

(a) Basic economics of the marketplace.

(b) Financial management, credit, and insurance.

(c) Making major purchases including, for example, automobiles, appliances, and housing.

(d) Legal rights, responsibilities, redress, and consumer laws.

(e) Government assistance and services such as aspects of social security and education.

(f) The role of the consumer in determining energy, conservation, and ecological policies.

(g) Consumer-citizen participation in the economic and governmental regulatory processes, including public utilities.

(h) Special issues and problems, such as advertising or product safety.

(i) Areas of critical, timely importance in which consumer action can limit costs, such as health care.

(j) Areas affected by inflation such as energy, housing, and food.

(k) Emerging issues for consumers. (20 U.S.C. 2983)

**§ 161e.13 Will particular program subject matter be emphasized?**

The Commissioner may, in any given year, support projects in one or more of the subject matters in § 161e.12.

**Subpart C—How Does One Apply for a Grant?**

**§ 161e.20 How does an applicant apply for funds?**

The "Introduction to Education Division Grant Programs" at the beginning of the Educational Division General Administration Regulations (EDGAR) includes general information on—

(a) How to use regulations that apply to Education Division programs; and

(b) How to apply for a grant under an Education Division Program.

(20 U.S.C. 2984)

**Subpart D—How is a Grant Made?**

**§ 161e.30 What selection criteria does the Commissioner use?**

(a) The Commissioner evaluates an application for a grant on the basis of the selection criteria used in 45 CFR Part 100a.202 through 100a.206 (EDGAR) and the criteria contained in these regulations. Applicants are advised to read the EDGAR criteria carefully.

(b) The selection criteria in EDGAR constitute 45 possible points and include the following:

(1) Plan of operation. (10 points)

(2) Quality of staff. (15 points)

(3) Budget and cost effectiveness. (10 points)

(4) Evaluation plan. (5 points)

(5) Adequacy of resources. (5 points)

(c) The criteria contained in the following paragraphs supplement the EDGAR criteria and constitute 55 possible points. The maximum possible point score for each criterion indicates the relative importance assigned to the criterion by the Commissioner, as follows:

(1) The extent to which the applicant provides a high-quality conceptual design that—

(i) Clearly indicates the consumer educational needs to be addressed, the goals to be addressed, and the support of the target group(s) that will benefit from the project; (8 points)

(ii) Clearly specifies how project activities will produce consumer educational results that are practical and significant for the target group(s); (10 points)

(iii) Clearly reflects current knowledge of consumer educational resources or

shows evidence of obtaining these resources. (7 points)

(2) The extent to which the applicant provides a high quality management design which clearly describes the work schedule and timely use of resources and staff. (10 points)

(3) The extent to which the outcome of the proposed project will enhance the ability of the target group(s) to make intelligent decisions as individual consumers or contribute to consumer-related decision-making at the local, State, or national level, or both. (10 points)

(4) The extent to which an applicant demonstrates the commitment and ability to continue the benefits of the consumer education project after Federal funding ends. (10 points)

(20 U.S.C. 2984)

**§ 161e.31 What is the duration of a project?**

Consumers' education grants under this part are for a period of 12 consecutive months.

(20 U.S.C. 2984)

**Subpart E—What Conditions Must A Grantee Meet?**

**§ 161e.40 Are there restrictions on the kind of items a grant may support?**

(a) Funds may not be used for construction, repair, remodeling, or alteration of facilities or sites.

(b) Allowable costs are subject to the requirements in 45 CFR Part 100a and the appendices to 45 CFR Part 74.

(20 U.S.C. 2984)

**§ 161e.41 What other restrictions apply?**

(a) Grants may be used to supplement or increase funds made available by the applicant for the project. Grants may not be used to supplant these funds.

(20 U.S.C. 2984)

(b) SEAs and LEAs must meet the requirements for meeting the needs of students in non-profit private elementary and secondary schools in Sec. 302(b), Title III, of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 2942)

(c) LEAs must afford the public an opportunity to comment on the subject matter of their applications in accordance with Sec. 1006 of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3386)

[FR Doc. 79-15216 Filed 5-15-79; 8:45 am]

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REGISTERED  
TRADE MARK

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Wednesday  
May 16, 1979

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Part IV

**Department of  
Housing and Urban  
Development**

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Office of the Secretary

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**Board of Contract Appeals, Establishing  
Procedures for National Housing Act  
Contracts**

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

**Office of the Secretary**

**24 CFR Part 20**

**Board of Contract Appeals,  
Establishing Procedures for National  
Housing Act Contracts**

**AGENCY:** HUD Board of Contract Appeals.

**ACTION:** Final rule.

**SUMMARY:** This rule sets forth procedures for handling bid protests arising under National Housing Act Contracts involving HUD-acquired properties. The final rule is needed to assure administrative review procedures for bidders whose bid protests are not within the jurisdiction of the Comptroller General.

**EFFECTIVE DATE:** June 8, 1979.

**FOR FURTHER INFORMATION CONTACT:** B. Paul Cotter, Jr., Board of Contract Appeals, SB, 451 Seventh Street, S.W., Washington, D.C. 20410 (202-755-6318).

**SUPPLEMENTARY INFORMATION:** On December 27, 1978, the Secretary of the Department of Housing and Urban Development published a proposed rule (43 FR 60392 on December 27, 1978) to revise the rules of the HUD Board of Contract Appeals to provide procedures for handling bid protests arising under National Housing Act Contracts involving HUD-acquired properties. (24 CFR Part 20.) As the Secretary stated at the time, the Comptroller General has stated that the General Accounting Office (GAO) is without jurisdiction to decide bid protests arising from procurements under the National Housing Act. Present HUD regulations provide for a dissatisfied bidder to appeal to the GAO; however, if the protest arises under a National Housing Act Contract the bidder will not receive the benefit of a decision on the merits of the case from GAO. The effect of current regulations is to deny such bid protesters rights usually available to protesters under other contracts with the Government. The primary purpose of this rule is to afford bidders under National Housing Act Contracts an administrative review procedure not presently available to them because of the GAO position.

Two responses were received regarding the proposed rule. One commented that the rule should state specifically that protests based upon race, color, sex and national origin are not included as part of these bid protest

procedures and that such discriminatory practices have to be filed separately through the appropriate HUD Regional Office. Although such protests should in fact be addressed by HUD's Regional Offices, this bid protest procedure relates solely to the award of National Housing Act Contracts. Consequently, protests based upon race, color, sex and national origin are outside the scope of the rule. Another commentator suggested that any bid protest to the Contracting Officer be eliminated from the rule, in the interest of expediting the bid protest procedure. This suggestion was rejected because bidders have always been afforded the right to protest initially to the Contracting Officer. If the protest is resolved by the Contracting Officer, then it will eliminate the necessity for an appeal to the Board.

The Department has determined that this final rule will not have a significant impact upon the quality of the environment. A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures and is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, Washington, D.C. 20410.

Accordingly, 24 CFR Part 20 is amended to add a new Subpart C as follows:

**Subpart C—Bid Protest Procedures for National Housing Act Contracts**

- Sec.
- 20.15 Protests Against Award.
  - 20.16 Definitions.
  - 20.17 Filing of Protest.
  - 20.18 Time for filing.
  - 20.19 Notice of protest, submission of procuring activity report and time for filing of comments on report.
  - 20.20 Withholding of Award.
  - 20.21 Furnishing of information on protests.
  - 20.22 Time for submission of additional information.
  - 20.23 Decision of HUDBCA.
  - 20.24 Request for reconsideration.

Authority: Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); United States Housing Act of 1937, (42 U.S.C. 1437 et seq.).

**Subpart C—Bid Protest Procedures for National Housing Act Contracts**

**§ 20.15 Protests against award.**

The following identifies the responsible agents and sets forth procedural requirements for handling protests regarding the award of National Housing Act Contracts. Protests involving the award of any other procurement or sales contract by the Department of Housing and Urban

Development is governed by the procedures outlined in 41 CFR 24-2.407-8.

**§ 20.16 Definitions.**

(a) "National Housing Act Contract" as used in this Subpart means a contract entered into by the Department of Housing and Urban Development for goods and services for the management, repair, improvement, alteration, demolition, maintenance, operation, rental, or sale or other disposition of real and related property conveyed to or otherwise in the custody of the Secretary, including properties held by HUD as mortgagee-in-possession, which are entered into pursuant to the National Housing Act, 12 U.S.C. 1701 et seq., as amended, and regarding which the General Accounting Office will not decide bid protests.

(b) "Days" as used in this Subpart means working days of the Federal Government excluding Saturdays, Sundays, and Federal Holidays as specified in 5 U.S.C. 6103.

(c) The term "file" or "submit" as used in this Subpart refers to the date of transmission except as indicated in §§ 20.18 and 20.19 of this subpart.

(d) "Procuring/Disposal Activity" as used in this Subpart means the Office of Property Disposition in Washington, D.C. for National or other procurements by that office pursuant to the National Housing Act or Area and Service Offices for decentralized or other procurements by those offices pursuant to the National Housing Act.

(e) "Adverse agency action" is any action or inaction on the part of a procuring activity which is prejudicial to the position taken in a protest filed with that procuring activity. Such "adverse agency action" may include but is not limited to: A decision on the merits of the protest; a procurement action such as the award of a contract or the rejection of a bid despite the pendency of a protest; or procuring activity acquiescence in or active support of continued and substantial contract performance.

(f) "An interested party" shall mean any person, business, nonprofit or municipal entity which has received a solicitation (Invitation for Bids or Request for Proposals) on the procurement or sale in question.

**§ 20.17 Filing of protest.**

(a) An interested party may protest the award or proposed award of a National Housing Act Contract for procurement or sale entered into by the Department. Protests must be in writing to the Contracting Officer of the

procuring activity, or in writing to the Department of Housing and Urban Development Board of Contract Appeals (hereinafter, "HUDBCA").

(b) Interested parties are urged to seek resolution of their complaints initially with the Contracting Officer of the procuring activity. The Contracting Officer shall act on any protest filed with the procuring activity unless it is known that a protest has been filed concurrently with the HUDBCA. Where a protest is filed directly with the procuring activity, full consideration shall be given to the protest with the protester notified in writing of the final decision within twenty (20) days from the date of receipt of the protest by the procuring activity.

Where the Contracting Officer makes a determination to award a contract, notwithstanding a protest, such a determination to proceed with award shall be approved by the head of the procuring activity and the Office of General Counsel, after informing the HUDBCA. In such situations, the Office of General Counsel shall complete its review of the proposed award within five (5) working days of notification. In instances of extreme emergency, where the Contracting Officer has determined that award of the contract is required within twenty four (24) hours for the protection of life or for a similar reason, the Office of General Counsel shall complete its review of the proposed award within twenty four (24) hours of notification. Notification in such emergency situations may be by telephone to the General Counsel's designee, provided that the reasons for utilizing the emergency procedure are subsequently submitted in writing. If a decision by the Office of General Counsel is not transmitted to the Contracting Officer within the twenty four hour period, the Contracting Officer may award the contract provided that there has been approval by the head of the procuring activity. If the Office of General Counsel determines that the contract shall not be awarded, a final decision will be arrived at jointly between the General Counsel's designee and the head of the procuring activity.

(c) Protests filed with the HUDBCA must be in writing and addressed to the Department of Housing and Urban Development, Board of Contract Appeals, SB, 451 Seventh Street, SW., Washington, D.C. 20410. To expedite handling within the HUDBCA, the address should include: "Attn: Bid Protest."

(d) The initial protest filed with the HUDBCA shall:

(1) Include the name and address of the protester;

(2) Identify the procuring activity and the number of the solicitation and/or contract;

(3) Contain a statement of the grounds for the protest; and

(4) Specifically request a ruling by the HUDBCA.

A copy of the protest shall be sent to the Contracting Officer and a copy shall also be sent to the Office of General Counsel, U.S. Department of Housing and Urban Development, Washington, D.C. 20410 and the communication to the HUDBCA should so indicate. The grounds for protest filed with the HUDBCA must be fully supported to the extent feasible. See § 20.18(d) of this subpart with respect to time for filing any additional statement required in support of an initial protest.

(e) No formal briefs or other technical forms of pleading or motion are required, but a protest and other submissions should be concise, logically arranged, and direct.

#### § 20.18 Time for filing.

(a) If a protest has been filed initially with the procuring activity, any subsequent protest to the HUDBCA filed within 10 days of formal notification of, or actual or constructive knowledge of, initial adverse agency action will be considered provided the initial protest to the procuring activity was filed in accordance with the time limits prescribed in paragraph (b) of this section. In any case, a protest will be considered if filed with the HUDBCA within the time limits prescribed in paragraphs (b)(1) and (b)(2) of this section.

(b)(1) Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed prior to bid opening or the closing date for receipt of initial proposals. In the case of negotiated procurements, alleged improprieties which do not exist in the initial solicitation but which are subsequently incorporated therein must be protested not later than the next closing date for receipt of proposals following the incorporation.

(2) In cases other than those covered in paragraph (b)(1) of this section, bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier.

(3) The term "filed" as used in this section means receipt in the procuring activity or in the HUDBCA, as the case may be. Protesters are cautioned that

protests should be transmitted or delivered in the manner which will assure earliest receipt. Except as provided in paragraph (c) of this section, any protest received in the HUDBCA after the time limits prescribed in this section shall not be considered unless it was sent by registered or certified mail not later than the fifth day, or by mailgram not later than the third day, prior to the final date for filing a protest as specified herein. The only acceptable evidence to establish the date of mailing shall be the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. The only acceptable evidence to establish the date of transmission by mailgram shall be the automatic date indication appearing on the mailgram. If the postmark in the case of mail or the automatic date indication in the case of a mailgram is illegible, the protest shall be deemed to have been filed late.

(c) The HUDBCA, for good cause shown, or where it determines that a protest raises issues significant to procurement practices or procedures, may consider any protest which is not filed timely.

(d) If an additional statement in support of the initial protest is required by the HUDBCA, one copy shall be mailed or otherwise furnished to the HUDBCA, a copy shall be mailed or otherwise furnished to the General Counsel and a copy shall be mailed or otherwise furnished to the Contracting Officer of the procuring activity not later than 5 days after receipt of notification from the HUDBCA of the need for such additional statement.

#### § 20.19 Notice of protest, submission of procuring activity report, and time for filing of comments on report.

(a) The HUDBCA shall notify the procuring activity and the Office of General Counsel by telephone and in writing within one day of the receipt of a protest, requesting the activity to give notice to the contractor if award has been made or, if no award has been made, to all bidders or proposers who appear to have a substantial and reasonable prospect of receiving an award if the protest is denied. The activity shall be requested to furnish in accordance with applicable procurement regulations copies of the protest documents to such parties with instructions for them to communicate further directly with the HUDBCA.

(b) Material submitted by a protester will not be withheld from any interested party outside the Government or from any Government activity which may be involved in the protest except to the

extent that the withholding of information is permitted or required by law or regulation. If the protester considers that the protest contains material which should be withheld, a statement advising of this fact must be affixed to the front page of the protest document and the allegedly proprietary information must be so identified wherever it appears. Although the Government will make every effort to honor the protester's legend in responding to a Freedom of Information Act request for materials covered by the legend, the Government will independently determine whether disclosure of any such material is necessary in light of the requirements of the Freedom of Information Act and the public interest and the Government will disclose any and all material covered by the protester's legend if the Government determines that such disclosure is required by the Act or the public interest.

(c) The HUDBCA shall request the Office of General Counsel, in conjunction with the procuring activity, to submit a complete report on the protest (hereinafter "procuring activity report") to the HUDBCA as expeditiously as possible (generally within 30 working days) in accordance with applicable procurement regulations and to furnish a copy of the report to the protester and other interested parties. Such report should include:

- (1) A copy of the protest;
- (2) A copy of the bid submitted by the protesting bidder and a copy of the bid of the bidder who is being considered for award or whose bid is being protested;
- (3) A copy of the invitation for bids, including the specifications or portions thereof, relevant to the protest;
- (4) A copy of the abstract of bids or relevant portions thereof;
- (5) Any other documents which are relevant to the protest; and
- (6) A statement setting forth findings, actions, and recommendations in the matter together with any additional evidence or information deemed necessary in determining the validity of the protest. The statement shall be fully responsive to the allegations of the protest. If the award was made after receipt of the protest, the report will include the determination required.

(d) Comments on the procuring activity report shall be filed with the HUDBCA within 10 days after receipt of the report, with a copy to the Office of General Counsel, the procuring activity, and to other interested parties. Any rebuttal a protester or interested party may care to make shall be filed with the

HUDBCA within 5 days after receipt of comments to which rebuttal is directed, with a copy to the Office of General Counsel and the procuring activity, the protester, and interested parties as the case may be. Unsolicited procuring activity rebuttals shall be considered if filed within five (5) days after receipt by the Office of General Counsel and the procuring activity of the comments to which rebuttal is directed.

(e) The failure of a protester or any interested party to comply with the time limits stated in this section may result in resolution of the protest without consideration of the comments untimely filed.

#### § 20.20 Withholding of award.

When a protest has been filed before award, the procuring activity will not make an award prior to resolution of the protest except under the following circumstances:

- (a) The items or services being procured are urgently required; or
- (b) Delivery or performance will be unduly delayed by failure to make award promptly; or
- (c) A prompt award will otherwise be advantageous to the Government.

If award is made pursuant to paragraphs (a) through (c) of this section, the Contracting Officer shall document the file to explain the need for immediate award, and shall give written notice of the decision to proceed with award to the HUDBCA and others concerned. Whenever possible such notice shall be given prior to award. In all cases, the decision to proceed with the award prior to resolution of the protest shall be approved by the head of the procuring activity and the Office of General Counsel. In such situations, Office of General Counsel review shall be subject to the limitations specified in § 20.17(b).

#### § 20.21 Furnishing of information on protests.

The HUDBCA shall, upon request, make available to any interested party information bearing on the substance of the protest which has been submitted by interested parties or procuring activities, except to the extent that withholding of information is permitted or required by law or regulation. Any comments thereon shall be submitted within a maximum of 10 days.

#### § 20.22 Time for submission of additional information.

Any additional information requested by the HUDBCA from the protester or interested parties shall be submitted no later than 5 days after the receipt of such request. If it is necessary to obtain

additional information from the procuring activities, the HUDBCA will request that such information be furnished as expeditiously as possible.

#### § 20.23 Decision by HUDBCA.

(a) The HUDBCA establishes a goal of 25 days for issuing a decision on a protest after receipt of all information submitted by all parties. Decisions by the HUDBCA shall be final and binding on the Department and all parties thereto.

(b) All protests shall be decided upon the written record submitted to the HUDBCA and such additional information as may be requested by the HUDBCA. The HUDBCA will not conduct conferences or hearings in connection with protest actions, except in complex cases at the HUDBCA's discretion.

(c) Decisions rendered by the HUDBCA under these regulations shall include powers to:

- (1) Order improperly awarded contracts to be terminated for the convenience of the Government;
- (2) Prohibit the awarding of a contract;
- (3) Award bid preparation costs to any bidder whose bid has been rejected because of arbitrary or capricious Departmental action or bad faith on the part of the Department and only when such rejection has resulted in the bidder being denied the contract.

#### § 20.24 Request for reconsideration.

(a) Reconsideration of a decision of the HUDBCA may be requested by the protester, any interested party who submitted comments during consideration of the protest and any procuring activity involved in the protest. The request for reconsideration shall contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered.

(b) Request for reconsideration of a decision of the HUDBCA shall be filed not later than 10 days after the basis for reconsideration is known or should have been known, whichever is earlier. The term "filed" as used in this subpart means receipt in HUDBCA.

(c) A request for reconsideration shall be subject to these bid protest procedures consistent with the need for prompt resolution of the matter.

#### § 20.25 Effect of judicial proceedings.

The HUDBCA may refuse to decide any protest where the matter involved is the subject of litigation before a court of

competent jurisdiction or has been decided on the merits by such a court. The foregoing shall not apply where the court requests, expects, or otherwise expresses interest in the HUDBCA's decision.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d); United States Housing Act of 1937, (42 U.S.C. 1437 et seq.)

Issued at Washington, D.C., May 10, 1979.

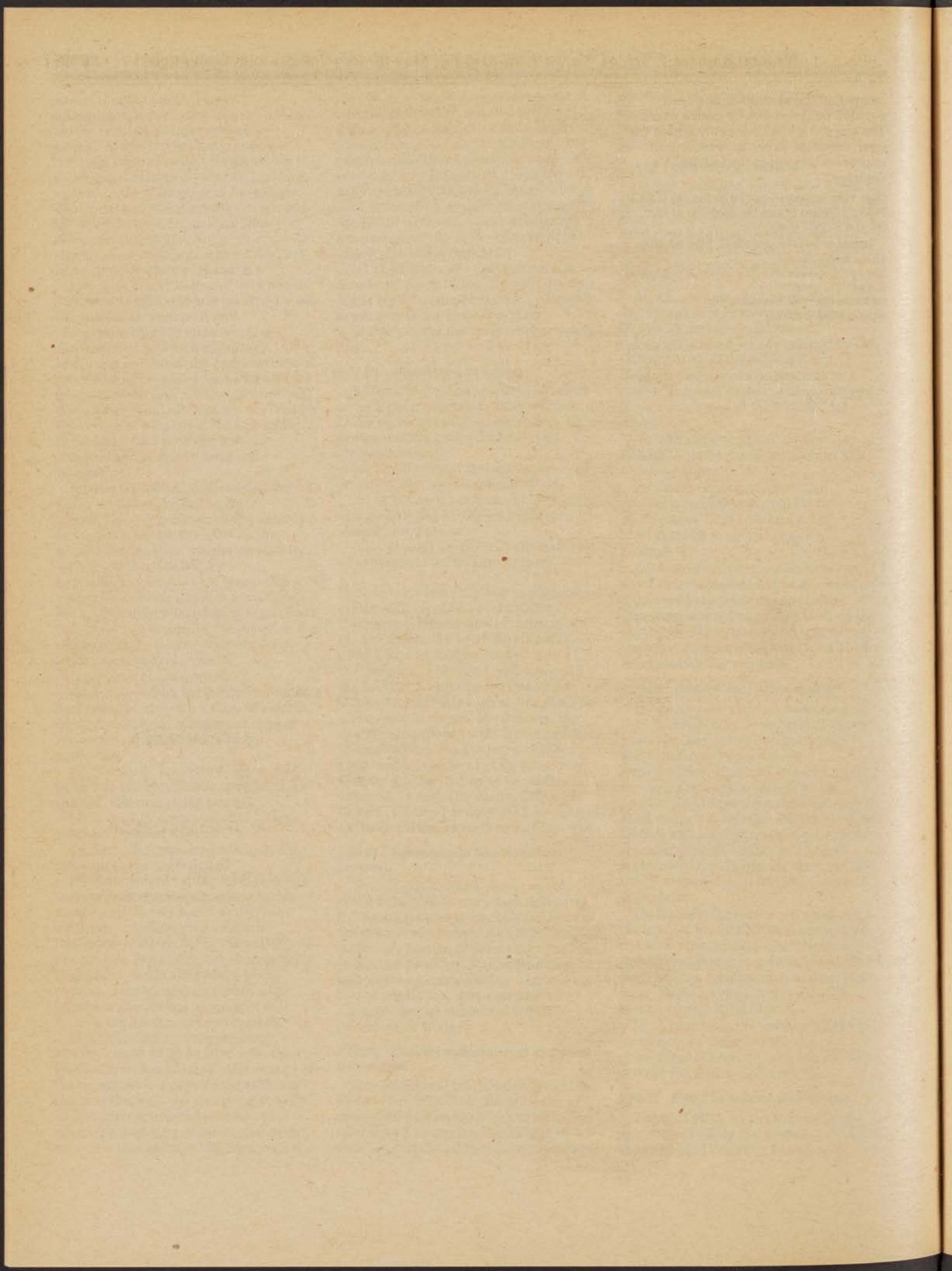
Patricia Roberts Harris,

*Secretary, Department of Housing and Urban Development.*

[Docket No. R-78-596]

[FR Doc. 79-15251 Filed 5-15-79; 8:45 am]

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# Federal Register

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Wednesday  
May 16, 1979

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## Part V

### Department of Health, Education, and Welfare

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Health Care Financing Administration

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Medicare Program; Definition of Hospital  
Special Care Units for Reimbursement  
Purposes

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**Health Care Financing Administration  
[42 CFR Part 405]**

**Medicare Program; Definition of  
Hospital Special Care Units for  
Reimbursement Purposes**

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

**ACTION:** Proposed rule.

**SUMMARY:** This rule refines the definition of hospital special care units and clarifies the requirements for their reimbursement under the Medicare program. The present special care unit reimbursement regulation has been erroneously interpreted by some hospitals to apply to units that furnish a level of care that is less than that furnished in intensive care.

Under the present regulation, units have been designated as special care units, when they are, in fact, intermediate or subintensive care units that render a less intensive level of care. The purpose of this amendment is to clarify the intent of the regulation that the term "special care unit" applies only to those units rendering a level of care that is comparable to intensive care.

**DATES:** Consideration will be given to written comments or suggestions received on or before July 16, 1979.

**ADDRESSES:** Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013. When commenting, please refer to MAB-84-P. Agencies and organizations are requested to submit their comments in duplicate. The Health Care Financing Administration specifically requests comments and supporting data, if possible, on § 405.452(d)(10)(v) and (vi) of the proposed regulation. Comments will be available for public inspection, beginning approximately 2 weeks after publication, in room 5231 of the Department's offices at 330 C Street, S.W., Washington, D.C. on Monday through Friday of each week, from 8:30 to 5 p.m. (telephone 202-245-0950).

**FOR FURTHER INFORMATION CONTACT:** William Goeller, Medicare Bureau, Health Care Financing Administration, Room 405 East High Rise Building, Baltimore, Maryland 21235, (301) 594-9820.

**SUPPLEMENTARY INFORMATION:** Section 1861 (v) of the Social Security Act provides that the Secretary may establish, by regulations, the methods to be used in determining the reasonable costs of services furnished to Medicare

beneficiaries. The methods used in reimbursing providers are based on costs actually incurred in furnishing services to beneficiaries. The regulations recognize that different types of care may result in different per-diem costs. The per-diem cost of intensive care and other special care units will usually exceed the per-diem cost of general routine care. This is because intensive care units require greater staffing and more specialized equipment than what is required in the general routine areas. Thus, the present regulations allow for a separate computation to determine Medicare's share of intensive care and other special care unit costs as well as its share of general routine care costs.

Recently, some hospitals have designated as special care units, units that provide various levels of care. These units provide a level of care which is less than provided in intensive care and more than furnished in the general routine areas of the hospitals. The cost of operating these units falls somewhere between those of operating intensive care units and the cost of furnishing general routine care. These units, sometimes referred to as intermediate or subintensive care units, are frequently cited as a way to reduce hospital costs. When they are used as step-down units from intensive care or to avoid the intensive care unit altogether, hospital costs are reduced. Yet, if the hospitals receive reimbursement for these units as special care units, Medicare reimbursement will be inequitably increased. Notwithstanding that many of the intermediate or subintensive care units provide a level of care which is less than intensive care, some hospitals contend that the units should be designated and reimbursed as special care units under the current regulation.

Since the adoption of the special care unit reimbursement policy, we have maintained that only those units rendering a level of care comparable to intensive care should be reimbursed as special care units. We maintain that a subintensive level of care is only a part of the spectrum of general routine care. Although a subintensive care unit may not fit the regulatory description of a special care unit, we will reimburse for the care rendered in that unit by combining the reasonable costs of care in that unit with the reasonable costs of care in other general routine areas. Any reimbursement for general routine service costs, however, will include an inpatient routine nursing salary cost differential, and be subject to the

schedule of limits on hospital inpatient general routine service costs.

Several recent Provider Reimbursement Review Board and Federal court decisions have addressed the issue of whether intermediate or subintensive care units are special care units and have come to varying conclusions. These decisions show an existing lack of uniformity as to what constitutes a special care unit. In addition, since the regulation was issued, substantial changes have occurred in hospital organization, administration, and financial practices. Increasingly, the inpatient hospital special care unit concept has become an acceptable part of medical care practice. We perceive a definite need to further refine and clear away ambiguity as to what a special care unit is for Medicare reimbursement purposes. Thus, we propose to amend the regulation.

The amendment would clarify the regulation by providing seven specific criteria which a unit must meet to qualify as a special care unit. One such criterion is that there must be a minimum of 12 scheduled hours of direct patient nursing care per patient day. This 12 hour figure is based on data contained in the American Hospital Association's periodic publication of Hospital Administrative Services data for the period ending December 31, 1977. This information indicates that the great majority of hospitals have at least 12 hours of such care per patient day in their intensive care units.

Another criterion is that a minimum of 6 hours of direct patient care per patient day must be furnished by registered nurses and cannot be furnished by aides or orderlies. As a result of a sample of rural and urban hospitals, we concluded that at least 6 hours of direct patient-care is normally furnished by registered nurses in intensive care type units. This criterion takes into consideration that the level of required registered nursing care in special care units is considerably higher than the level that is required in general routine areas. In most cases, only registered nurses possess the necessary expertise for furnishing care to patients in special care units. In no case would aides or orderlies satisfy the requirement.

The other criteria specify that the unit must be in a hospital, must be physically and identifiably separate from other areas and units in the hospital and must have specific written policies concerning admission, discharge and other matters. In addition, the unit must be permanently equipped with life-saving equipment to treat the critically ill patients for whom it is designed, and

registered nursing care must be furnished daily on a continuous 24-hour basis. We invite comments on whether the admission and discharge policies for special care units must be consistent with the standards set by the PSRO's and must be approved in advance by PSRO's. (Proposed regulations on PSRO hospital review were published in the *Federal Register* on January 25, 1977 and final regulations will be published soon.)

42 CFR § 405.452 is amended by revising paragraph (d)(10) to read as follows:

**§ 405.452 Determination of cost of services to beneficiaries.**

**(d) Definitions.**

(10) *Special care inpatient hospital units.* The special care inpatient hospital unit furnishes services in life-threatening situations. It furnishes a level of care that is comparable to that which is furnished in intensive care. Examples of special care inpatient hospital units include, but are not limited to, intensive care units, trauma units, coronary care units, pulmonary care units, and burn units. Excluded as special care units are postoperative recovery rooms, postanesthesia recovery rooms, and maternity labor rooms. To be considered as a special care inpatient hospital unit, the unit must meet the following conditions:

- (i) The unit must be in a hospital.
- (ii) The unit must be physically and identifiably separate from general patient care areas, other special care inpatient hospital units and ancillary service areas. There cannot be a sharing of space or nursing services between the unit and other patient care areas or ancillary service areas.
- (iii) There must be specific written policies that include criteria for admission to, and discharge from, the unit.
- (iv) Registered nursing care must be furnished constantly on a continuous 24-hour basis. The staffing may not be decreased during night shifts, weekends, or periods when it is commonly decreased in other patient care areas.
- (v) Nursing care must be scheduled to provide direct patient care for at least 12 hours per patient day. Direct patient care means nursing care, based on physician orders and approved nursing care plans, furnished directly to patients; it does not include any time spent performing administrative duties for the unit, such as scheduling personnel or ordering supplies, nor does it include care furnished by aides and orderlies.

(vi) A minimum of 6 hours of direct patient care per patient day must be furnished by registered nurses.

(vii) The unit must be permanently equipped with the life-saving equipment necessary to treat the critically ill patients for which it is designed. This equipment may include, but is not limited to, respiratory and cardiac monitoring equipment, cardiac defibrillators, and oxygen and compressed air.

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

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

Dated: April 10, 1979.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

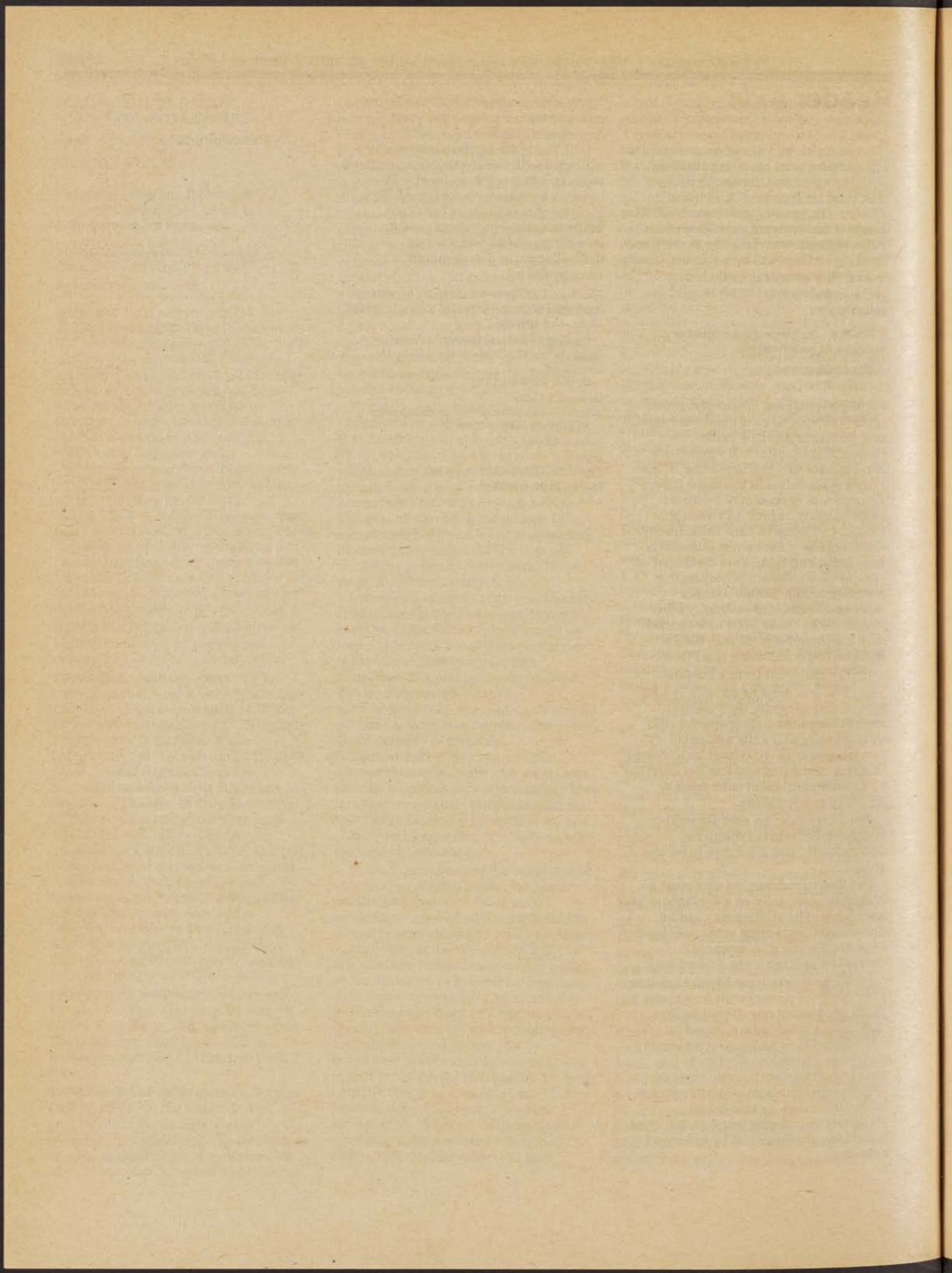
Approved: May 3, 1979.

Joseph A. Califano, Jr.,

Secretary.

[FR Doc. 79-15215 Filed 5-15-79; 8:45 am]

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Federal Register

Vol. 44, No. 96

Wednesday, May 16, 1979

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- 523-5230 U.S. Government Manual
- 523-3408 Automation
- 523-4534 Special Projects

## FEDERAL REGISTER PAGES AND DATES, MAY

25393-25620.....	1
25621-25832.....	2
25833-26056.....	3
26057-26730.....	4
26731-26840.....	7
26841-27062.....	8
27063-27376.....	9
27377-27634.....	10
27635-27968.....	11
27969-28278.....	14
28279-28654.....	15
28655-28770.....	16

## 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.

<b>1 CFR</b>	1823.....	27408
Ch. I.....	1888.....	27408
	1901.....	27408
	1942.....	27407
<b>3 CFR</b>	<b>Proposed Rules:</b>	
<b>Administrative Orders:</b>	Chs. I-VII.....	28474
<b>Memorandums:</b>	Chs. IX-XII.....	28474
May 7, 1979.....	Chs. XIV-XVIII.....	28474
<b>Executive Orders:</b>	Chs. XXI.....	28474
11753 (Revoked by	Chs. XXIV-XXIX.....	28474
EO 12131).....	53.....	25614
12131.....	271.....	26089
12132.....	272.....	26089
12050 (Revoked in	301.....	26089, 28382
part by EO 12135).....	402.....	27107
12057 (Revoked by	417.....	27113
EO 12135).....	430.....	27119
12133.....	430.....	27635
12134.....	650.....	27637
12135.....	911.....	27639
<b>Proclamations:</b>	912.....	27639
4659.....	915.....	25619
4660.....	929.....	27065
	944.....	25460, 27424
	979.....	25846, 25848
	991.....	25463
<b>5 CFR</b>	1049.....	27426
213.....	1207.....	26113
	1260.....	25464
	1425.....	27997
334.....	1435.....	27125
735.....	1701.....	25465, 28383
890.....	1822.....	27130
<b>Proposed Rules:</b>	1944.....	27130
595.....	3100.....	25606
831.....		
<b>6 CFR</b>		
705.....		
706.....		
<b>7 CFR</b>		
2.....	26057, 27067	
17.....	26845	
227.....	28280	
230.....	28286	
246.....	28287	
273.....	27641	
295.....	25396	
416.....	25397	
718.....	26848, 28293	
729.....	25404, 28294	
907.....	25833	
908.....	25833, 27404, 27405	
910.....	26057, 27643	
913.....	25409	
918.....	25403	
932.....	27405	
979.....	26731, 27969	
1207.....	25621	
1430.....	26731	
1496.....	27405	
1701.....	25409	
1822.....	27644, 28655	
<b>9 CFR</b>		
73.....	25410, 27649	
75.....	28294	
78.....	27058	
82.....	25410, 26850, 27650,	
	28296, 28297	
91.....	28298	
92.....	28299	
94.....	27058	
113.....	25411	
381.....	27059	
<b>Proposed Rules:</b>		
Chs. I-IV.....	28474	
201.....	27665	
318.....	28331	
<b>10 CFR</b>		
51.....	26060	
70.....	26850	
205.....	25412	
210.....	25412	
211.....	25621, 26060, 28606,	
	28655	
212.....	25828	
218.....	27969	
320.....	25592	

500.....	28530	381.....	26121	520.....	28323	5b.....	27079
501.....	28530	385.....	27435	1308.....	27980	38.....	27089
504.....	28594	398.....	27438	<b>Proposed Rules:</b>		301.....	27986, 28660
516.....	27606	399.....	28670	70.....	26899	<b>Proposed Rules:</b>	
<b>Proposed Rules:</b>		1204.....	27161	145.....	25471, 27690	1.....	27180-27182, 27446,
4.....	26887	1216.....	27161	155.....	28331		28001, 28004
211.....	26113, 26115	<b>16 CFR</b>		163.....	28332	5b.....	27181
430.....	27191	13.....	25630, 25631, 26853,	167.....	27691	20.....	27446
436.....	27194		26854, 27384, 28304, 28305	182.....	28332, 28335, 28336	25.....	27446
456.....	27200	<b>Proposed Rules:</b>		184.....	28334-28336	31.....	27182, 27183
440.....	27668	13.....	25465, 25653, 27683,	186.....	28335	<b>27 CFR</b>	
508.....	27668		28671	193.....	26750	71.....	27093
580.....	27676	443.....	26127, 27685	455.....	26900	<b>28 CFR</b>	
585.....	27676	1019.....	27685	500.....	26899	0.....	25837
600.....	28670	<b>17 CFR</b>		514.....	26899	2.....	26540-26550, 27391,
<b>11 CFR</b>		1.....	25431	555.....	26900		27658
Ch. IX.....	26733	17.....	25431	561.....	26750	<b>29 CFR</b>	
<b>12 CFR</b>		200.....	26067, 28317	571.....	26899	575.....	28663
205.....	25850	231.....	26739	882.....	25471, 26127, 26900	786.....	26870
217.....	28302	240.....	28318	<b>22 CFR</b>		1952.....	28325, 28326
265.....	28301	261.....	26739	22.....	25631	<b>Proposed Rules:</b>	
308.....	25412	<b>Proposed Rules:</b>		42.....	28659	Ch. XII.....	26761
336.....	27379	15.....	28678	51.....	25631	524.....	26127
701.....	27068, 27379	211.....	26702, 28683	<b>Proposed Rules:</b>		525.....	26127
<b>Proposed Rules:</b>		229.....	26702, 28683	121.....	28000	1420.....	26128
28.....	27431	240.....	25470, 26688, 26692,	123.....	28000	1910.....	26925
204.....	25465		26702, 28683	124.....	28000	<b>30 CFR</b>	
545.....	26892	249.....	26702, 28683	125.....	28000	46.....	28588
725.....	26115	<b>18 CFR</b>		126.....	28000	651.....	28588
<b>13 CFR</b>		2.....	27980	127.....	28000	<b>Proposed Rules:</b>	
105.....	27072	35.....	26067	128.....	28000	Ch. VII.....	28005
121.....	26852	154.....	26067, 26854	130.....	28000	250.....	27448, 27449
<b>Proposed Rules:</b>		157.....	27980	220.....	26726	<b>31 CFR</b>	
120.....	26748	270.....	27980	221.....	26726	5.....	27990
<b>14 CFR</b>		271.....	26068, 27980	222.....	26726	103.....	26871
39.....	25834, 26734, 26735,	273.....	26068, 27980	<b>23 CFR</b>		<b>32 CFR</b>	
	27380-27382, 27975-27978	274.....	27980	650.....	25434	252.....	27095
71.....	25834, 25835, 26735,	275.....	27980	<b>24 CFR</b>		631.....	27391
	26736, 27383, 27979	276.....	27980	20.....	28762	707.....	27990
73.....	25834	281.....	26855	39.....	27618	716.....	25647
75.....	25834, 27383	284.....	27980	201.....	27982	806b.....	26739
97.....	25835	<b>Proposed Rules:</b>		221.....	28659	920.....	26871
121.....	26737, 27980	32.....	28683	235.....	25837	1201.....	27096
135.....	26737, 27980	35.....	28683	240.....	26073	1203.....	27096
221.....	25627	154.....	27168	280.....	27650	1212.....	27096
239.....	28656	271.....	27168	510.....	27626	1214.....	27096
252.....	28657	281.....	26894, 28685	841.....	27652	1216.....	27096
287.....	26738	<b>19 CFR</b>		882.....	26660, 28274	1220.....	27096
291.....	26852, 26853	4.....	27834	1914.....	25631, 26867, 27074,	1221.....	27096
302.....	27383, 28302	134.....	27835		27983	1250.....	27096
311.....	25627	159.....	28319, 28658	1915.....	25633, 25636, 27074,	<b>Proposed Rules:</b>	
385.....	27073, 28657	<b>20 CFR</b>			27984, 28324	214.....	28338
1203.....	26066, 28303	654.....	26071	1917.....	25436-25446, 25637-	633.....	28008
<b>Proposed Rules:</b>		675.....	28654		25646, 26751-26761, 27386-	<b>32A CFR</b>	
Ch. II.....	26893, 27160	676.....	28654		27391	Ch. XVIII.....	27991
71.....	25865, 25866, 26748,	677.....	28654		27654-27656	Ch. XIX.....	27991
	26749, 27433, 27434, 27998,	678.....	28654	<b>Proposed Rules:</b>		<b>33 CFR</b>	
	27999	679.....	28654	201.....	28685	117.....	27391
73.....	26749, 27434	<b>Proposed Rules:</b>		570.....	28686	127.....	27991
75.....	28000	688.....	27812	880.....	28001	164.....	26740
121.....	25867, 25869	<b>21 CFR</b>		882.....	27926	239.....	28524
123.....	25869	14.....	28321	888.....	28686	<b>Proposed Rules:</b>	
207.....	26121	73.....	28321	1917.....	25871-25882, 26900-	110.....	25883
208.....	26121	131.....	28322		26925, 27168-27179, 28686,	117.....	27459, 28009
212.....	26121	182.....	28323		28687		
214.....	26121	186.....	28323	2205.....	27922	<b>26 CFR</b>	
223.....	27680	444.....	26071	1.....	26868, 27078, 27079,		
253.....	28670				27656, 27984		
325.....	27435						
380.....	26121						

36 CFR	
7.....	26073
<b>Proposed Rules:</b>	
Ch. II.....	28474
219.....	26554

38 CFR	
2.....	25648
3.....	28328
21.....	25648
36.....	25839
<b>Proposed Rules:</b>	
3.....	26762
21.....	26763

39 CFR	
3000.....	27658
3001.....	26074

40 CFR	
51.....	27558
52.....	25840, 26741, 27558, 27991
53.....	27558
58.....	27558
65.....	25446, 25448, 25450, 25649, 25842, 25843, 26741-26743, 27101-27106, 27660, 27661
162.....	27932, 27945
228.....	27662
180.....	25452, 25844, 26743
413.....	27993

<b>Proposed Rules:</b>	
6.....	25475
52.....	25471, 25472, 26763, 26765, 26926, 27183-27188, 27691, 27699, 28232, 28234, 28688, 28692
62.....	27189
65.....	25473, 26767, 26768, 26928-26943, 28010, 28343
85.....	26769
86.....	25883, 27700
122.....	25475
123.....	25475
124.....	25475
125.....	25475
162.....	25475
180.....	28693
256.....	28344
762.....	27702
770.....	27334
771.....	27334
772.....	27334, 27335
1510.....	28196

41 CFR	
Ch. 1.....	25845
Ch. 3.....	25454
Ch. 101.....	27393
14H-1.....	26744
101-42.....	28664
101-43.....	27392
101-44.....	27392
101-45.....	27392
114-50.....	28329
<b>Proposed Rules:</b>	
Ch. 4.....	28474

42 CFR	
205.....	26745
206.....	26745

<b>Proposed Rules:</b>	
Ch. I.....	25476
51.....	25476
52f.....	28010
66.....	25886
405.....	25476, 28768
466.....	26769

43 CFR	
<b>Proposed Rules:</b>	
3400.....	25653
3500.....	26130
<b>Public Land Orders:</b>	
5662.....	28666

44 CFR	
Ch. I.....	25797

45 CFR	
146a.....	25820
199a.....	27993
205.....	26075
206.....	26075
233.....	26075
1060.....	26745, 27994
1062.....	28266
1611.....	28329

<b>Proposed Rules:</b>	
Ch. X.....	28016
Ch. XI.....	26771
100.....	26298, 27703
100a.....	26298, 27703
100b.....	26298, 27703, 28012
100c.....	26298, 27703
100d.....	26298, 27703
116d.....	28184
119.....	28258
120.....	28258
134.....	28238
134a.....	28238
134b.....	28238
161e.....	27630
161e.....	28758
161m.....	27630

46 CFR	
31.....	25986
34.....	25986
40.....	25986
54.....	25986
56.....	25986
98.....	25986
154.....	25986
154a.....	25986
531.....	25651
536.....	25651

<b>Proposed Rules:</b>	
Ch. IV.....	28022
502.....	28694
512.....	26944

47 CFR	
90.....	27994
<b>Proposed Rules:</b>	
73.....	26772, 26955, 28022-28029
76.....	28347
83.....	28031
94.....	25886

49 CFR	
393.....	25455, 25456
571.....	26884, 27394-27402

630.....	26050
1033.....	26084-26087, 27662, 27995, 28667
1245.....	25457
1246.....	25457

<b>Proposed Rules:</b>	
Ch. X.....	25476, 25653
71.....	28696
171.....	25886, 27460
172.....	25886, 27460
173.....	25886, 27460
174.....	27460
175.....	27460
176.....	25886, 27460
177.....	27460
178.....	25886, 26772, 28032
830.....	25889
1100.....	25653
1206.....	26131
1207.....	26131
580.....	28032

50 CFR	
26.....	26747, 27402, 28330, 28668
33.....	25458, 27403, 27996
212.....	27404
661.....	26747

<b>Proposed Rules:</b>	
Ch. IV.....	25891
17.....	27190
23.....	25480
285.....	28372
602.....	25891
611.....	26131, 26956
651.....	25484

## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

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

## REMINDERS

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

## Rules Going Into Effect Today

## HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Assistant Secretary for Community Planning and Development—

- 22648 4-16-79 / Community Development Block Grants Rehabilitation Assistance and Program Benefit provision  
Assistant Secretary for Housing—Federal Housing Commissioner—
- 22678 4-16-79 / Public Housing Program Development Phase; clarifications and corrections
- 22444 4-16-79 / Increases in thermal requirements for HUD minimum property standards

## INTERSTATE COMMERCE COMMISSION

- 6102 1-31-79 / Expansion of air terminal areas
- 3295 1-16-79 / Motor transportation of property incidental to transportation by aircraft; expansion of air terminal areas

## Next Week's Deadlines for Comments On Proposed Rules

## AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

- 25846 5-3-79 / Cranberries grown in Mass., et al.; referendum period 5-14 through 5-23-79
- 25463 5-1-79 / Hops of the Fuggle variety; additional allotment; comments by 5-21-79  
Animal and Plant Health Inspection Service—
- 17714 3-23-79 / Domestic quarantine notices; pink bollworm; comments by 5-22-79  
Food and Nutrition Service—
- 21504 4-10-79 / Food Stamp Act of 1977; performance reporting system; comments by 5-25-79
- 21541 4-10-79 / Food stamps; implementation of outreach provisions and procedures for State agencies to follow in handling complaints; comments by 5-25-79  
[Comment period extended at 26089, 5-4-79]

Office of the Secretary—

- 17507 3-22-79 / Reimbursement of rulemaking proceeding participants; comments by 5-21-79.

Rural Electrification Administration—

- 17714 3-23-79 / Rural electric program; TH-230 structure crossarms; comments by 5-22-79

## COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

- 18508 3-28-79 / Atlantic herring fishery, emergency regulations; comments by 5-23-79
- 26956 5-8-79 / Foreign trawling within fixed-gear areas; prohibition; comments by 5-20-79
- 26131 5-4-79 / Preliminary fishery management plan; comments by 5-26-79
- 18511 3-28-79 / Tanner crab off Alaska, early closure of portion of Registration Area J (Westward) to fishing U.S. vessels; comments by 5-25-79

## DEFENSE DEPARTMENT

Corps of Engineers—

- 20350 4-4-79 / Evaluation of Nonstructural measures (ER 1105-2-353); proposed evaluation procedures; comments by 5-21-79

## ENERGY DEPARTMENT

- 16546 3-19-79 / Residential Conservation Service Program; implementation; comments by 5-25-79  
Economic Regulatory Administration—
- 24048 4-24-79 / Amendments to conform oil import regulations to Proclamation 4655; comments by 5-22-79
- 17526 3-22-79 / Improving government regulations; comments by 5-25-79  
Federal Energy Regulatory Commission—
- 24095 4-24-79 / Applications for licenses for major projects using existing dams; comments by 5-25-79
- 24103 4-24-79 / Budget-type applications for gas-purchase facilities; comments by 5-25-79
- 24577 4-26-79 / Discontinuation of the use of certain FERC forms; comments by 5-25-79
- 21683 4-11-79 / Filing of rate schedules—revisions limiting percentage adders; reply comments by 5-21-79



21683 4-11-79 / Interconnection of facilities; Emergencies—interchange energy transmission rates for Section 202(c) emergencies; reply comments by 5-21-79

22110 4-13-79 / Oil and gas pipelines; refund interest rates; comments period extended to 5-23-79  
[Originally published at 44 FR 18046, 3-26-79]

#### ENVIRONMENTAL PROTECTION AGENCY

23544 4-20-79 / California; redesignation of air quality control regions; comments by 5-21-79

23887 4-23-79 / Establishment of tolerances for pesticide chemical methomyl on avocados and Chinese cabbage; comments by 5-23-79

23886 4-23-79 / Establishment of tolerance for pesticide chemical malathion on almond shells; comments by 5-23-79

18138 3-26-79 / Landfill disposal of solid waste; comments by 5-25-79

17120 3-20-79 / Petroleum refinery Claus sulfur recovery plants; amendments to standards; comments by 5-21-79

17460 3-21-79 / Standards of performance for new stationary sources: iron and steel plants, basic oxygen furnaces, review of standards; comments by 5-21-79

#### FEDERAL COMMUNICATIONS COMMISSION

18998 3-30-79 / FM broadcast station in Covington, Ind.; comments by 5-21-79

19000 3-30-79 / FM broadcast station in Reform, Ala.; change in table of assignments; comments by 5-21-79

18997 3-30-79 / FM broadcast station in West Helena, Ark.; change in table of assignments; comments by 5-21-79

#### FEDERAL DEPOSIT INSURANCE CORPORATION

23869 4-23-79 / Foreign bank provisions; comments by 5-25-79

#### FEDERAL HOME LOAN BANK BOARD

24301 4-25-79 / Federal savings and loan system; Investment in areas receiving concentrated development assistance; comments by 5-25-79

24302 4-25-79 / Federal savings and loan system; Investment in State Housing Corporation obligations secured by insured loans; comments by 5-25-79

24303 4-25-79 / Federal savings and loan system; Investment in State and local government obligations; comments by 5-25-79

24300 4-25-79 / Federal savings and loan system; Loans for alteration, improvement and repair; comments by 5-25-79

24299 4-25-79 / Federal savings and loan systems; Loans on individual cooperative housing units; comments by 5-25-79

#### GENERAL SERVICES ADMINISTRATION

17194 3-21-79 / Records management, copying—reproduction of records, selection and utilization of equipment and supplies; comments by 5-21-79

#### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

17197 3-21-79 / Emergency school aid, criteria for awards; comments by 5-21-79

Food and Drug Administration—

24052 4-24-79 / Indirect food additives; adhesive coatings and components; safe use of 1,2-dibromo-2,4-dicyanobutane; objections by 5-24-79

27691 5-11-79 / Virgin and refined olive oil and refined olive-residue oil; comments by 5-24-79

27690 5-11-79 / Table olives, intent to establish standards; comments by 5-24-79

#### INTERIOR DEPARTMENT

Indian Affairs Bureau—

23993 4-23-79 / Indian child welfare provisions; comments by 5-23-79

24305 4-25-79 / Law and order on Indian Reservations; Courts of Indian Offenses; comments by 5-25-79

23992 4-23-79 / Procedures for tribal re-assumption of jurisdiction over child custody proceedings; comments by 5-23-79

Land Management Bureau—

25653 5-2-79 / Coal management; comments period extended 5-21-79

[Originally published at 44 FR 23508, April 19, 1979]

#### INTERSTATE COMMERCE COMMISSION

12074 3-5-79 / Collective ratemaking agreements; modified terms and conditions for approval; reply comments by 5-21-79

12718 3-8-79 / Tariffs and schedules; reply comments by 5-22-79

#### LABOR DEPARTMENT

Office of Federal Contract Compliance Programs—

22761 4-17-79 / Compliance responsibility for equal employment opportunity; addition to preamble of proposed rule; comments by 5-21-79

#### MERIT SYSTEMS PROTECTION BOARD

17964 3-23-79 / Interim Operating Procedures; Freedom of Information Act; Privacy Act; Government in the Sunshine Act; comments by 5-22-79

17968 3-23-79 / Organization and procedure; comments by 5-22-79

#### PENSION BENEFIT GUARANTY CORPORATION

23542 4-20-79 / Valuation of plan benefits; comments by 5-23-79

#### POSTAL SERVICE

24111 4-24-79 / Inspection service authority; mail covers for national security; comments by 5-24-79

24432 4-25-79 / Post Office services (domestic); Establishment of the Domestic Mail Manual to replace Chapter 1 and other related portions of the Postal Service Manual; comments by 5-25-79

#### SMALL BUSINESS ADMINISTRATION

23875 4-23-79 / Method of determining small business status for SBA loan assistance; comments by 5-23-79

#### TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

16424 3-19-79 / Investigation and enforcement procedures; filing of complaints, issuance of orders; and conduct of formal fact finding investigations; comments by 5-24-79

National Highway Traffic Safety Administration—

21051 4-9-79 / Exemptions from average fuel economy standards; comments by 5-24-79

#### TREASURY DEPARTMENT

Internal Revenue Service—

17754 3-23-79 / Active participant for individual retirement account purposes; comments by 5-22-79

#### VETERANS ADMINISTRATION

24320 4-25-79 / Federally assisted education programs; Nondiscrimination on the basis of sex; comments by 5-25-79

#### Next Weeks Meetings:

##### AGRICULTURE DEPARTMENT

Food Safety and Quality Service—

24903 4-27-79 / Interagency Regulatory Liaison Group, Washington, D.C. (open), 5-22 and 5-23-79

- Forest Service—
- 24895 4-27-79 / Coronado National Forest Grazing Advisory Board, Tucson, Ariz. (open), 5-22-79
- ARTS AND HUMANITIES NATIONAL FOUNDATION**
- 26815 5-7-79 / Humanities Panel, Washington, D.C. (closed), 5-25-79
- 25953 5-3-79 / Music Advisory Panel, Washington, D.C. (closed), 5-22 and 5-23-79
- CIVIL RIGHTS COMMISSION**
- 26779 5-7-79 / Alaska Advisory Committee, Anchorage, Alaska (open), 5-25-79
- 26959 5-8-79 / Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming Advisory Committees, Denver, Colo. (open) 5-23-79
- 25259 4-30-79 / Illinois Advisory Committee, Chicago, Ill. (open), 5-23-79
- 26138 5-4-79 / Louisiana Advisory Committee, Shreveport, La. (open), 5-25 and 5-26-79
- 26779 5-7-79 / Massachusetts Advisory Committee, Boston, Mass. (open), 5-23-79
- 23909 4-23-79 / Massachusetts Advisory Committee, Boston, Mass. (open), 5-23-79
- 23550 4-20-79 / Michigan Advisory Committee, Detroit, Mich. (open), 5-25-79
- 25657 5-2-79 / Utah Advisory Committee, Salt Lake City, Utah (open), 5-24-79
- COMMERCE DEPARTMENT**
- National Oceanic and Atmospheric Administration—
- 24901 4-27-79 / North Pacific Fishery Management Council, Scientific and Statistical Committee and Advisory Panel, Anchorage, Alaska (open), 5-22 through 5-25-79
- 24902 4-27-79 / South Atlantic Fishery Management Council, Charleston, S.C. (open), 5-22 through 5-24-79
- 26960 5-8-79 / South Atlantic Fishery Management Council Advisory Panel on King and Spanish Mackerel Fishery Management Plan, Charleston, S.C. (open), 5-23-79
- 26960 5-8-79 / South Atlantic Fishery Management Council, Inter-council Billfish Steering Committee, Charleston, S.C. (open) 5-21-79
- Office of the Secretary—
- 24618 4-26-79 / Economic Advisory Board, Washington, D.C. (open), 5-23-79
- CONSUMER PRODUCT SAFETY COMMISSION**
- 24903 4-27-79 / Interagency Regulatory Liaison Group, Washington, D.C. (open), 5-22 and 5-23-79
- DEFENSE DEPARTMENT**
- Air Force Department—
- 18057 3-26-79 / USAF Scientific Advisory Board, Wright-Patterson Air Force Base, Ohio (closed), 5-21 and 5-22-79
- 26783 5-7-79 / USAF Scientific Advisory Board, Wright-Patterson AFB, Ohio (closed), 5-23 and 5-24-79
- Army Department—
- 25263 4-30-79 / Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases, Washington, D.C. (partially open), 5-25-79
- 25264 4-30-79 / Defense Science Board Task Force on EMP Hardening of Aircraft, Bedford, Mass. (closed), 5-22 and 5-23-79
- Navy Department—
- 26148 5-4-79 / Academic Advisory Board to the Superintendent, U.S. Naval Academy, Washington, D.C., 5-21-79
- Office of the Secretary—
- 18258 3-27-79 / Defense Intelligence Agency Advisory Committee, Charlottesville, Va. (closed), 5-21 and 5-22-79
- 23910 4-23-79 / Defense Science Board Task Force on V/STOL Aircraft, Phase II, Washington, D.C. (closed), 5-25-79
- 17207 3-21-79 / Department of Defense Wage Committee, Alexandria, Va. (closed), 5-22-79
- ENERGY DEPARTMENT**
- 24340 4-25-79 / Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities; Coordinating Subcommittee, Houston, Tex. (open), 5-24-79
- 26149 5-4-79 / Food Industry Advisory Committee, Chicago, Ill. (open), 5-23-79
- 23910 4-23-79 / National Petroleum Council, Refinery Capability Task Group and Coordinating Subcommittee of the Committee of Refinery Flexibility, Washington, D.C. (open), 5-25-79
- ENVIRONMENTAL PROTECTION AGENCY**
- 24903 4-27-79 / Interagency Regulatory Liaison Group, Washington, D.C. (open), 5-22 and 5-23-79
- 2391 4-23-79 / National Drinking Water Advisory Council, Denver, Colo. (open), 5-21 and 5-22-79
- FEDERAL COMMUNICATIONS COMMISSION**
- 25264 4-30-79 / Advisory Committee on UHF-TV Receiver Noise Figure Measurement Standards, Guilford, Md. (open), 5-21-79
- 25508 5-1-79 / Radio Technical Commission for Marine Services; Special Committee 71, Washington, D.C. (open), 5-23-79
- 25508 5-1-79 / Radio Technical Commission for Marine Services; Special Committee No. 74, Washington, D.C. (open), 5-24 and 5-25-79
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- 22812 4-17-79 / Washington, D.C. (open), 5-24-79
- FINE ARTS COMMISSION**
- 25658 5-2-79 / Meeting, Washington, D.C. (open), 5-22-79
- DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**
- Alcohol, Drug Abuse, and Mental Health Administration—
- 23124 4-18-79 / National Advisory Council on Alcohol Abuse and Alcoholism (partially open), 5-21 and 5-22-79
- 26966 5-8-79 / National Advisory Council on Drug Abuse, Rockville, Md. (partially open), 5-24 and 5-25-79
- Education Office—
- 26798 5-7-79 / Advisory Council on Developing Institutions, Washington, D.C. (open), 5-23-79
- 24347 4-25-79 / Women's Educational Programs National Advisory Council, Washington, D.C. (open), 5-23-79
- Food and Drug Administration—
- 27747 5-11-79 / Consumer exchange meeting, Pittsburgh, Pa. (open), 5-23-79
- 24903 4-27-79 / Interagency Regulatory Liaison Group, Washington, D.C. (open), 5-22 and 5-23-79
- Health Resources Administration—
- 26167 5-4-79 / National Advisory Council on Nurse Training, Washington, D.C. (partially open), 5-22 through 5-24-79
- National Institutes of Health—
- 19539 4-3-79 / Aging, National Advisory Council, Bethesda, Md. (partially open), 5-22 and 5-23-79
- 21893 4-12-79 / Board of Regents, Bethesda, Md. (open), 5-24 and 5-25-79
- 19540 4-3-79 / Dental Research National Council, Bethesda, Md. (partially open), 5-21 and 5-22-79

- 21895 4-12-79 / National Advisory Allergy and Infectious Diseases Council, Bethesda, Md. (open), 5-22 through 5-24-79
- 21895 4-12-79 / National Advisory Environmental Health Sciences Council, Bethesda, Md. (open), 5-21 and 5-22-79
- 18741 3-29-79 / National Advisory Eye Council, Bethesda, Md. (open and closed), 5-21 through 5-23-79
- 24239 4-24-79 / National Cancer Advisory Board, Bethesda, Md. (partially open), 5-24 and 5-25-79
- 24239 4-24-79 / National Cancer Advisory Board's Subcommittee on Centers, Bethesda, Md. (closed), 5-24-79
- 24239 4-24-79 / National Cancer Advisory Board's Subcommittee on Environmental Carcinogenesis, Bethesda, Md. (closed), 5-24-79
- 24239 4-24-79 / National Cancer Advisory Board's Subcommittee on Planning and Budget, Bethesda, Md. (open), 5-24-79
- 19540 4-3-79 / Neurological and Communicative Disorders and Stroke National Advisory Council, Bethesda, Md. (partially open), 5-24 through 5-26-79
- 27498 5-10-79 / Oral Biology and Medicine Study Section, Bethesda, Md. (open), 5-22 through 5-25-79
- 22314 4-13-79 / Recombinant DNA Advisory Committee, Bethesda, Md. (open), 5-21 through 5-23-79
- 24238 4-24-79 / Research Resources National Advisory Council, Bethesda, Md. (partially open) 5-21 and 5-22-79  
Office of the Secretary—
- 24232 4-24-79 / Rights and Responsibilities of Women, Secretary's Advisory Committee, Washington, D.C. (open), 5-25-79
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**  
Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary—
- 17233 3-21-79 / Mobile Home National Advisory Council, Washington, D.C. (open), 5-22 through 5-24-79
- IMMIGRATION AND REFUGEE POLICY SELECT COMMISSION**
- 26823 5-7-79 / Washington, D.C. (open), 5-22-79  
[Corrected at 44 FR 27781, 5-11-79]
- INTERIOR DEPARTMENT**  
Land Management Bureau—
- 17592 3-22-79 / Colorado wilderness inventory, Canon City, Colo. (open), 5-22-79
- 17592 3-22-79 / Colorado wilderness inventory, open house, Denver, Colo. (open), 5-23-79
- 24644 4-26-79 / Public lands in Nevada, open house, Lovelock, Nev., 5-21-79
- 24644 4-26-79 / Public lands in Nevada, open house, Goldfield, Nev., 5-22-79
- 24644 4-26-79 / Public lands in Nevada, open house, Winnemucca, Nev., 5-22-79
- 24644 4-26-79 / Public lands in Nevada, open house, Caliente, Nev., 5-24-79
- 24644 4-26-79 / Public lands in Nevada, open house, Las Vegas, Nev., 5-23-79
- 24644 4-26-79 / Public lands in Nevada, open house, Elko, Nev., 5-23-79
- 24644 4-26-79 / Public lands in Nevada, open house, Fallon, Nev., 5-23-79
- INTERNATIONAL TRADE COMMISSION**
- 27809 5-11-79 / Washington, D.C. (partially open), 5-23-79
- INTERNATIONAL YEAR OF THE CHILD, NATIONAL COMMISSION**
- 26815 5-7-79 / Children's Involvement and Human Services Subcommittees, Washington, D.C. (open), 5-24-79
- 26815 5-7-79 / Corporate, Labor, and Professional Involvement Subcommittee, Washington, D.C. (open), 5-24-79
- 26815 5-7-79 / Full commission, Washington, D.C. (open), 5-25-79
- LABOR DEPARTMENT**  
Bureau of Labor Statistics—
- 22825 4-17-79 / Labor Research Advisory Council Committees, Washington, D.C. (open), 5-22 through 5-24-79  
Occupational Safety and Health Administration—
- 24903 4-27-79 / Interagency Regulatory Liaison Group, Washington, D.C. (open), 5-22 and 5-23-79  
Pension and Welfare Benefit Programs Office—
- 26980 5-8-79 / Employee Welfare and Pension Benefit Plans Advisory Council, Washington, D.C. (open), 5-23-79
- NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**
- 24353 4-25-79 / NASA Advisory Council, Informal Ad Hoc Advisory Subcommittee on Vertical Take-Off and Landing (VTOL), Washington, D.C. (open), 5-24-79
- 26228 5-4-79 / NASA Advisory Council (NAC) Space Systems and Technology Advisory Committee, Washington, D.C. (open), 5-24-79
- NATIONAL SCIENCE FOUNDATION**
- 26983 5-8-79 / Executive Committee of the Advisory Committee for Ocean Sciences, Washington, D.C. (open), 5-24 and 5-25-79
- 25710 5-2-79 / International Decade of Ocean Exploration Ad Hoc Subcommittee, Stanford, Calif. (closed), 5-21-79
- 25709 5-2-79 / Mathematical and Computer Sciences Advisory Committee; Computer Science Subcommittee, Washington, D.C. (partially open), 5-21 through 5-23-79
- 25708 5-2-79 / Memory and Cognitive Processes Subcommittee, Washington, D.C. (closed), 5-21 and 5-22-79
- 25709 5-2-79 / Molecular Biology Subcommittee, Washington, D.C. (closed), 5-21 and 5-22-79
- 25708 5-2-79 / Molecular Biology Subcommittee, Washington, D.C. (closed), 5-24 and 5-25-79
- 25707 5-2-79 / Physiology, Cellular, and Molecular Biology; Cell-Biology Subcommittee, Washington, D.C. (closed), 5-21 through 5-23-79
- 25708 5-2-79 / Physiology, Cellular and Molecular Biology Advisory Committee; Genetic biology Subcommittee, Washington, D.C. (closed), 5-24 through 5-26-79
- 25709 5-2-79 / Sensory Physiology and Perception Subcommittee, Washington, D.C. (closed), 5-23 and 5-24-79
- 25709 5-2-79 / Social Sciences Advisory Committee; Geography and Regional Science Subcommittee, Washington, D.C. (closed), 5-21-79
- 25708 5-2-79 / Sociology Subcommittee, Washington, D.C. (closed), 5-24 and 5-25-79
- NUCLEAR REGULATORY COMMISSION**
- 27775 5-11-79 / Reactor Safeguards Advisory Committee; Subcommittee on Evaluation of Licensee Event Reports, Washington, D.C. (open), 5-24 and 5-25-79
- 27775 5-11-79 / Reactor Safeguards Advisory Committee; Subcommittee on Safeguards, Washington, D.C. (open), 5-23-79

**SMALL BUSINESS ADMINISTRATION**

- 21722 4-11-79 / Region VII Advisory Council Executive Board, Kansas City, Mo. (open), 5-23-79
- 25961 5-3-79 / Region X Advisory Council; Portland, Oregon (open), 5-23-79
- 24967 4-27-79 / Small Business Conference Commission, Independence, Mo. (open), 5-25-79

**STATE DEPARTMENT**

Office of the Secretary—

- 24356 4-25-79 / Advisory Committee on International Investment, Technology, and Development; Working Group on Transborder Data Flows, Washington, D.C. (open), 5-25-79
- 16526 3-19-79 / Fine Arts Committee, Washington, D.C. (open), 5-24-79

**TRANSPORTATION DEPARTMENT**

Coast Guard—

- 21110 4-9-79 / Rules of the Road Advisory Committee, Portland, Oreg. (open) 5-23 and 5-24-79
- Federal Aviation Administration—
- 24675 4-26-79 / Informal airspace meeting, Oklahoma City, Okla. (open), 5-22-79
- 23961 4-23-79 / Informal airspace meeting No. 5, Tulsa, Okla. (open), 5-23-79
- 23401 4-19-79 / Proposed Orlando, Fla. terminal control area, Orlando, Fla. (open), 5-22-79
- 25964 5-3-79 / Radio Technical Commission for Aeronautics (RTCA); Special Committee 139—Airborne Equipment Standards For Microwave Landing System (MLS); Washington, D.C. (open), 5-23 and 5-25-79
- Federal Railroad Administration—

- 23962 4-23-75 / Minority Business Resource Center Advisory Committee, Washington, D.C. (open), 5-22-79
- National Highway Traffic Safety Administration—
- 25965 5-3-79 / Auto Inspection, Maintenance and Repair Conference; Washington, D.C. (open); 5-22 through 5-24-79
- 15823 3-15-79 / Regional Safety Belt Usage Workshops, San Francisco, Calif. (open), 5-23 through 5-25-79

**VETERANS ADMINISTRATION**

- 25682 4-26-79 / Station Committee on Educational Allowances, St. Paul, Minn. (open), 5-21-79

**Next Week's Public Hearings****AGRICULTURE DEPARTMENT**

Soil Conservation Service—

- 25786 5-2-79 / Compliance with NEPA; general procedure, Washington, D.C., 5-21-79

**COMMERCE DEPARTMENT**

National Oceanic and Atmospheric Administration—

- 21681 4-11-79 / Gulf of Mexico Fishery Management Council, Biloxi, Miss. and Port Isabel, Tex., 5-21-79
- 21681 4-11-79 / Gulf of Mexico Fishery Management Council, Mobile, Ala. and Port Arkansas, Tex., 5-22-79
- 21681 4-11-79 / Gulf of Mexico Fishery Management Council, Pensacola, Fla. and Freeport, Tex., 5-23-79
- 21681 4-11-79 / Gulf of Mexico Fishery Management Council, Panama City, Fla. and Port Arthur, Tex., 5-24-79
- 25484 5-1-79 / New England Fishery Management Council; Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder), Gloucester, Mass., 5-21-79
- 25484 5-1-79 / New England Fishery Management Council; Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder), Galilee, R.I., 5-23-79

**EMPLOYMENT POLICY NATIONAL COMMISSION**

- 19557 4-3-79 / Youth Employment Task Force, Memphis, Tenn., 5-24 and 5-25-79

**ENERGY DEPARTMENT**

- 24800 4-26-79 / Federal Energy Management, Washington, D.C., 5-24-79
- 24800 4-26-79 / Federal Energy Management and Planning Programs, Kansas City, Mo., 5-22-79
- Economic Regulatory Administration—
- 24048 4-24-79 / Amendments to conform oil import regulations to Proclamation 4855, Washington, D.C., 5-22-79

**ENVIRONMENTAL PROTECTION AGENCY**

- 26769 5-7-79 / Emission control system performance warranty provisions, Washington, D.C., 5-22-79
- [Originally published at 44 FR 23784 4-20-79]
- 20718 4-8-79 / Regional consistency regulations, Washington, D.C., 5-21-79
- 23784 4-20-79 / Emission control system warranty regulations, Washington, D.C., 5-22 and 5-23-79

**FEDERAL TRADE COMMISSION**

- 17715 3-23-79 / Standards and certification, revised schedule, San Francisco, Calif., 5-21-79
- [Originally published at 43 FR 57269, 12-7-78]
- 57269 12-7-78 / Trade regulations, standards and certification for product marketing, Washington, D.C., 5-21-79
- [See also 43 FR 59517, 12-21-78]

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

Food and Drug Administration—

- 22180 4-13-79 / Drug products containing papaverine or ethaverine and similar or related drugs, Rockville, Md., 5-23-79

**INTERIOR DEPARTMENT**

Fish and Wildlife Service—

- 27190 5-9-79 / Reclassification of the American alligator, Morgan City, La., 5-25-79
- Office of the Secretary—
- 25276 4-30-79 / Land withdrawals in Alaska by Secretary of the Interior under section 204(c) of the Federal Land Policy and Management Act, various cities in Alaska, 5-24-79

**TRANSPORTATION DEPARTMENT**

Coast Guard—

- 23400 4-19-79 / Louisville & Nashville Railroad Co. Bridge, Clarksville, Tenn.; alteration, Nashville, Tenn., 5-22-79

**List of Public Laws**

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing May 14, 1979

**Documents Relating to Federal Grants Programs**

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

**RULES GOING INTO EFFECT**

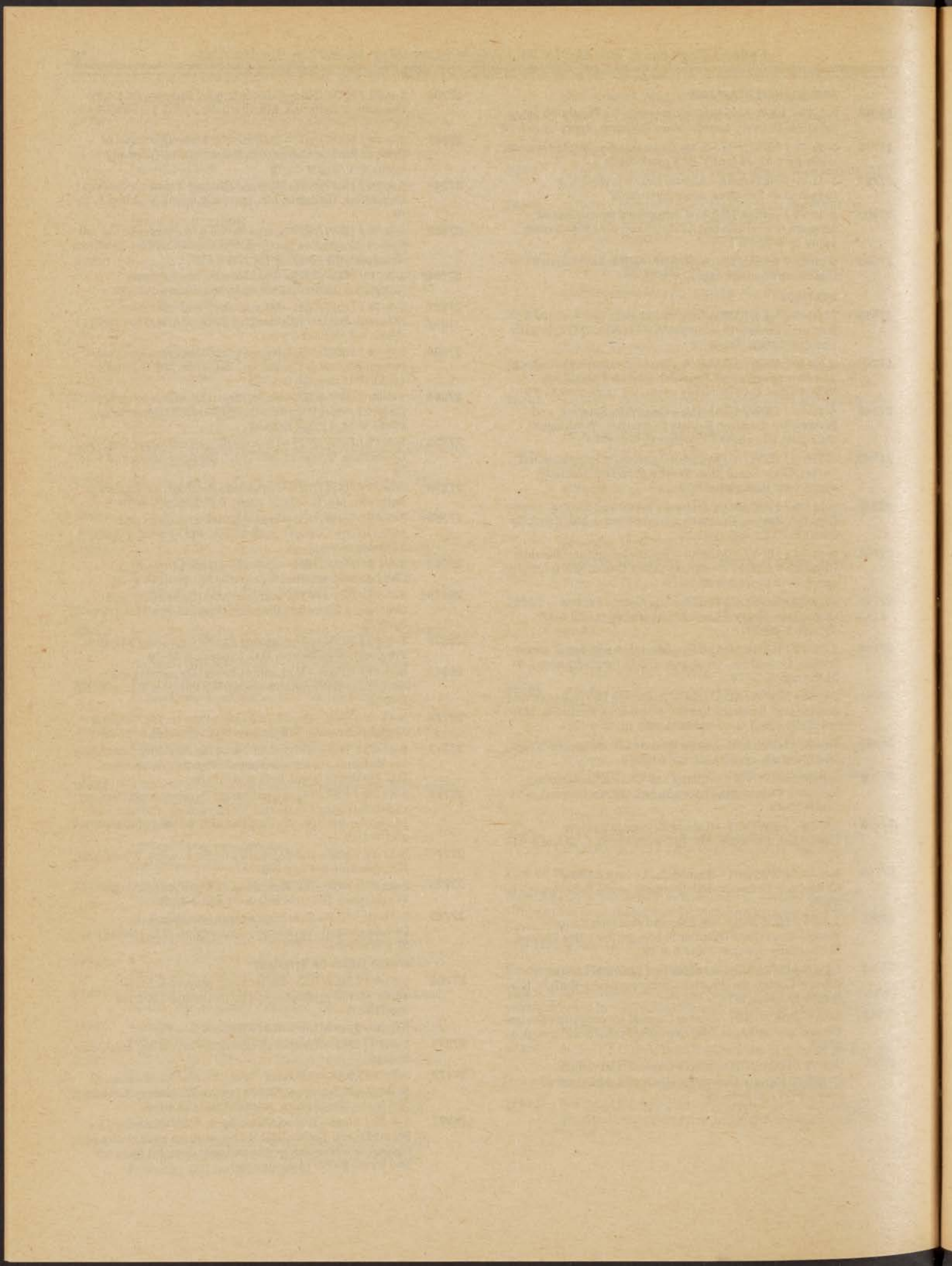
- 27408 5-10-79 / USDA/FmHA—Community domestic water and waste disposal systems; effective 5-10-79

**DEADLINES FOR COMMENTS ON PROPOSED RULES**

- 27130 5-9-79 / USDA/FmHA—Farm labor housing loan and grant policies, procedures and authorizations; comments by 7-9-79

## APPLICATIONS DEADLINES

- 26967 5-8-79 / HEW / HSA—Project grants for Family Planning Services, Delivery Improvement Research, apply by 8-1-79
- 27749 5-11-79 / HEW/NIE—State dissemination grants program; apply by 7-12-79 for FY 1979 grant funds
- 27751 5-11-79 / HEW/SSA—Mental health projects for Indochinese Refugees; apply by 6-25-79
- 27505 5-10-79 / Justice/LEAA—Competitive research grant program to evaluate test of structured plea negotiation; apply by 6-22-79
- 27506 5-10-79 / Justice/LEAA—OJJDP/NIJDP Law Related Education Program; apply by 6-15-79
- MEETINGS**
- 27745 5-11-79 / HEW/ADAMHA—Basic Behavior Processes Research Review Committee, Washington, D.C. (partially open), 6-6 through 6-9-79
- 27746 5-11-79 / HEW/ADAMHA—Basic Psychopharmacology and Neuropsychology Research Review Committee, Washington, D.C. (partially open), 6-7 through 6-11-79
- 27746 5-11-79 / HEW/ADAMHA—Cognition, Emotion, and Personality Research Review Committee, Washington, D.C. (partially open), 6-15 through 6-17-79
- 27746 5-11-79 / HEW/ADAMHA—Community Processes and Social Policy Committee, Washington, D.C. (partially open), 6-13 through 6-15-79
- 27746 5-11-79 / HEW/ADAMHA—Criminal and Violent Behavior Review Committee, Silver Spring, Md. (partially open), 6-20 through 6-22-79
- 27746 5-11-79 / HEW/ADAMHA—Epidemiologic and Services Research Review Committee, Chevy Chase, Md. (partially open), 6-18 through 6-20-79
- 27747 5-11-79 / HEW/ADAMHA—Life Course Review Committee, Chevy Chase, Md. (partially open), 6-27 through 6-29-79
- 27746 5-11-79 / HEW/ADAMHA—Mental Health Small Grant Review Committee, Washington, D.C. (partially open), 6-21 through 6-23-79
- 27746 5-11-79 / HEW/ADAMHA—Treatment Development and Assessment Research Review Committee, Rockville, Md. (partially open), 6-10 and 6-11-79
- 27265 5-9-79 / HEW/NIH—Aging Review Committee, Bethesda, Md. (partially open), 6-21 and 6-22-79
- 27266 5-9-79 / HEW/NIH—Allergy and Clinical Immunology Research Committee, Bethesda, Md. (partially open), 6-11 and 6-12-79
- 27266 5-9-79 / HEW/NIH—Animal Resources Review Committee, Bethesda, Md. (partially open), 5-30 and 5-31-79
- 27266 5-9-79 / HEW/NIH—Biomedical Library Review Committee, Bethesda, Md. (partially open), 6-18 through 6-20-79
- 27265 5-9-79 / HEW/NIH—Bladder and Prostatic Cancer Review Committee (Bladder Subcommittee), Des Plaines, Ill. (partially open), 6-7 and 6-8-79
- 27265 5-9-79 / HEW/NIH—Bladder and Prostatic Cancer Review Committee (Prostatic Subcommittee), Buffalo, N.Y. (partially open), 6-1-79
- 27265 5-9-79 / HEW/NIH—Cancer Clinical Investigation Review Committee, Bethesda, Md. (partially open), 6-25 through 6-27-79
- 27265 5-9-79 / HEW/NIH—Cancer Control Intervention Programs Review Committee, Bethesda, Md. (partially open), 6-14 and 6-15-79
- 27265 5-9-79 / HEW/NIH—Cancer Special Program Advisory Committee, Bethesda, Md. (partially open), 7-11 and 7-12-79
- 27266 5-9-79 / HEW/NIH—Cellular and Molecular Basis of Disease Review Committee, Bethesda, Md. (partially open), 6-11 and 6-12-79
- 27267 5-9-79 / HEW/NIH—General Clinical Research Centers Committee, Bethesda, Md. (partially open), 6-21 and 6-22-79
- 27265 5-9-79 / HEW/NIH—Large Bowel and Pancreatic Cancer Review Committee (Large Bowel Subcommittee), Houston, Tex. (partially open), 6-7 and 6-8-79
- 27264 5-9-79 / HEW/NIH—Lipid Metabolism Advisory Committee, Bethesda, Md. (partially open), 5-21-79
- 27267 5-9-79 / HEW/NIH—Microbiology and Infectious Diseases Advisory Committee, Bethesda, Md. (partially open), 6-4 and 6-5-79
- 27268 5-9-79 / HEW/NIH—Neurological Disorders Program—Project Review A Committee, Bethesda, Md. (partially open), 6-14 through 6-16-79
- 27268 5-9-79 / HEW/NIH—Neurological Disorders Program—Project Review B Committee, Bethesda, Md. (partially open), 6-14 through 6-16-79
- 27268 5-9-79 / HEW/NIH—Pharmacology-Toxicology Review Committee, Bethesda, Md. (partially open), 6-14 and 6-15-79
- 27268 5-9-79 / HEW/NIH—Population Research Committee, Bethesda, Md. (partially open), 6-6 through 6-8-79
- 27269 5-9-79 / HEW/NIH—Transplantation Biology and Immunology Committee, Bethesda, Md. (partially open), 6-14 and 6-15-79
- 27269 5-9-79 / HEW/NIH—Vision Research Program Committee, Bethesda, Md. (partially open), 6-28-79
- 26815 5-7-79 / NFAH—Humanities Panel (Elementary and Secondary Education Program), Washington, D.C. (closed), 5-31-79
- 26815 5-7-79 / NFAH—Humanities Panel (Research Collection Program), Washington, D.C. (closed), 5-25-79
- 26815 5-7-79 / NFAH—Humanities Panel (Elementary and Secondary Education Program), Washington, D.C. (closed), 6-4-79
- 27774 5-11-79 / NSF—President's Committee on the National Medal of Science, Washington, D.C. (closed), 5-29-79
- 27773 5-11-79 / NSF—Subcommittee of the Advisory Committee for Mathematics and Computer Sciences, Washington, D.C. (partially open), 5-31 and 6-1-79
- 27774 5-11-79 / NSF—Subcommittee on Developmental Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology, Washington, D.C. (closed), 5-31, 6-1 and 6-2-79
- 27774 5-11-79 / NSF—Subcommittee on Economics, Washington, D.C. (closed), 6-1 and 6-2-79
- 27774 5-11-79 / NSF—Subcommittee on Metabolic Biology, Washington, D.C. (closed), 5-31 and 6-1-79
- 27775 5-11-79 / NSF—Subcommittee on Social and Developmental Psychology, Washington, D.C. (closed), 5-31 and 6-1-79
- OTHER ITEMS OF INTEREST**
- 27703 5-11-79 / HEW/ED—Direct grant programs, State-administered programs, and general administrative regulations  
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- 27271 5-9-79 / LSC—Grants and contracts; Wyoming; comments invited
- 27773 5-11-79 / NSF—Advisory Committee for Environmental Biology and Advisory Committee for Physiology, Cellular and Molecular Biology; amendment to charters
- 26991 5-8-79 / State—United States-Spain Joint Committee for Scientific and Technological Cooperation; availability of cooperative research grants and post doctoral research and travel grants (2 documents)



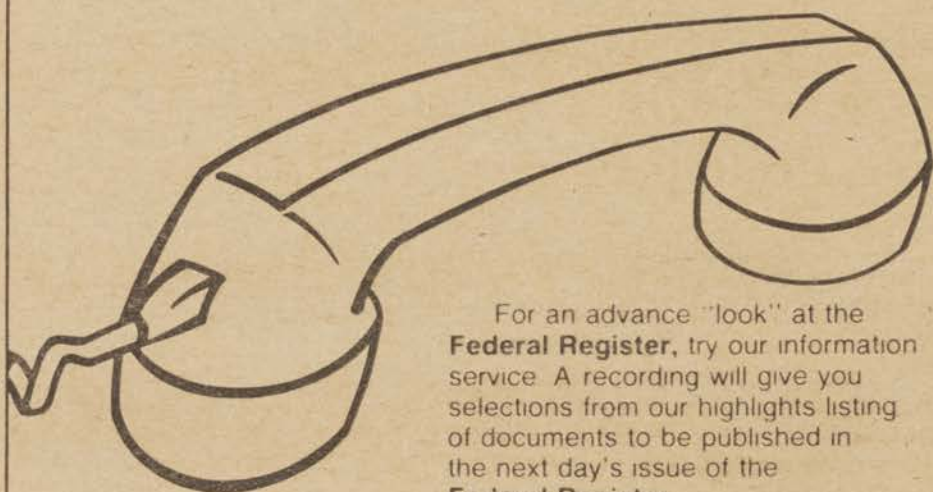
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