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federal register

Wednesday
May 23, 1979

Highlights

29981 **Child Abuse and Neglect Program—Research Projects** HEW/Office of Human Development Services announces availability of grant funds for fiscal years 1979 and/or 1980

29975 **Child Abuse and Neglect Program—Demonstration Projects** HEW/Office of Human Development Services announces availability of grant funds for fiscal year 1979

29984 **Health Professions and Nursing Student Loans** HEW/PHS updates income levels used to define "low income family" for loan repayment

29923 **Residential Energy Credit** Treasury/IRS proposes regulations to provide public with guidance needed to determine if credit is available with respect to certain expenditures; comments by 7-23-79

29985 **Coal Miners Respiratory Impairments** HEW/HSA announces availability of grants for clinical facilities, 7-1-79

29983 **Adolescent Pregnancy Prevention and Services** HEW/PHS announces competitive grant applications

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Highlights

30064 **Youth Employment and Demonstration Projects Discretionary Grant Program** HEW/Office of Human Development Services announces availability of funds (Part V of this issue)

29911 **Securities** SEC solicits comments on proposed amendment concerning exemption of certain joint transactions with affiliates involving portfolio company reorganizations, comments by 7-2-79

29906 **Securities** SEC proposes amendments to allow relief for certain wholly-owned subsidiaries from portions of annual and quarterly reports required under the Securities Exchange Act of 1934, comments by 6-30-79

29913 **Securities** SEC proposes rule concerning exemption of certain joint purchases of liability insurance policies, comments by 7-2-79

29908 **Securities** SEC solicits comments by 7-2-79 concerning exemption of transactions by investment companies with certain affiliated persons

30044 **Captive Wildlife** Interior/FWS proposes rules, comments by 7-23-79 (Part III of this issue)

29892 **Cable Systems** Copyright Royalty Tribunal adopts rule concerning filing of claims; effective 5-23-79

29953 **Refiners Crude Oil Allocation Program** DOE issues supplemental buy/sell list for the allocation period of April 1, 1979 through September 30, 1979

29916 **Imported Merchandise** Treasury/CS proposes revised customs form; comments by 6-22-79

30016 **Clean Water** EPA issues regulations governing grants for water quality management; effective 5-23-79 (Part II of this issue)

30004 **Sunshine Act Meetings**

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority; Correction

AGENCY: Department of Agriculture.

ACTION: Final rule; Correction.

SUMMARY: In FR Doc. 79-8256 appearing at page 16357 in the Federal Register of March 19, 1979, the title of "Assistant Secretary for Marketing Services" was not changed to "Assistant Secretary for Marketing and Transportation Services" in the introductory paragraph of § 2.17. The purpose of this document is to correct that error of omission.

EFFECTIVE DATE: May 23, 1979.

FOR FURTHER INFORMATION CONTACT: Edwardene Rees, Management Staff, U.S. Department of Agriculture, Washington, D.C 20250, (202) 447-3032.

1. Section 2.17 is corrected to read as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Transportation Services.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Marketing and Transportation Services:

* * * * *

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Dated: May 17, 1979.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 79-16136 Filed 5-22-79; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 163, Amdt. 1]

Lemons Grown in California and Arizona; Amendment of Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment reduces the minimum size requirement applicable to fresh domestic shipments of lemons grown in the production area from 1.82 inches in diameter (size 235) to 1.77 inches in diameter (size 285). This action is designed to promote orderly marketing in the interest or producers and consumers.

EFFECTIVE DATE: May 20, 1979.

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

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

The recommendation for a smaller minimum size recognizes that smaller supplies of lemons will be available for marketing during the summer months of June, July, and August, when fresh market demand is expected to be greatest seasonally. The freeze during December and January hit hardest that part of the lemon crop which normally matures during the summer months. Therefore, lemon supplies and storage holdings during the summer are expected to be extremely short. Consequently, the action would help growers and consumers by relaxing the minimum size to 285's so as to make additional lemons available for market. It is estimated that about two percent of the crop would average size 285's.

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

Paragraph (a) of § 910.463 Lemon Regulation 163 (43 FR 41949) is amended to read as follows:

§ 910.463 Lemon Regulation 163.

Order. (a) From May 20, 1979, through September 22, 1979, no handler shall handle any lemons grown in District 1, District 2, or District 3 which are of a size smaller than 1.77 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided.* That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.77 inches in diameter.

* * * * *

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

Dated, May 18, 1979, to become effective May 20, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-16137 Filed 5-22-79; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 79-295]

Federal Savings and Loan Institutions; Forward Commitments

May 17, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rules.

SUMMARY: These rules are adopted to permit FSLIC-insured savings and loan institutions to engage in forward commitment activities within certain limits. The rules were proposed primarily to curb speculation in mortgage-backed securities which, in some cases, resulted in large losses for some institutions. As adopted, the rules will allow forward commitment activity, if reasonably conducted, up to a certain percentage of an institution's assets. Also, recordkeeping and accounting procedures are prescribed.

EFFECTIVE DATE: June 1, 1979.

FOR FURTHER INFORMATION, CONTACT: Patricia C. Trask, Attorney, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552 (202-377-6442)

SUPPLEMENTARY INFORMATION: By Board Resolution No. 78-642, dated November 22, 1978, the Federal Home Loan Bank Board proposed to add new § 563.17-3 to the rules and regulations for Insurance of Accounts (12 CFR 563.17-3) in order to regulate forward commitment activities of FSLIC-insured institutions. At the time of the proposal, there were no Bank Board regulations governing these activities, which had become of increasing concern due to substantial losses incurred by a number of insured institutions.

The proposal was published for public comment at 43 FR 55413-55414 on November 28, 1978. The public comment period, which closed January 15, 1979, generated 525 comment letters: 240 from Federally-chartered associations, 240 from State-chartered institutions, and 45 from a variety of organizations which included national and state trade groups, securities dealers, and accounting firms. Respondents generally acknowledged that some degree of regulation was necessary to prevent speculative abuses, but believed that the overall effect of the proposal was too restrictive.

In response to public comment, the Bank Board has made major changes to several provisions of the proposal. First, the proposed definition of "securities" no longer includes mortgage loans. Second, the investment limitation applicable to forwards has been changed to a percentage-of-assets limit. Finally, accounting provisions for forwards and commitment fees have been reconciled with generally accepted accounting principles. These changes, along with major public comments, are discussed below.

A. General Comments

General comments included suggestions that the comment period be extended, hearings be held, and/or studies conducted. The rationale was, basically, that the Bank Board should further consider the ramifications of the proposal. Although the proposal had resulted from extended analysis and investigation of this investment vehicle, the Bank Board anticipated that a variety of viewpoints would, together with continuing data analysis, help fashion regulatory limits which would curb abuses while permitting forwards activity. The volume of response negated the need for extension of the public comment period or other information-gathering. Although this is a complex area, the Bank Board believes that the regulations adopted form a balanced approach which may be modified as conditions warrant.

Other general comments addressed the scope of the proposal, with the view that regulations should be directed to specific securities and/or specific associations. In response to the concern that the proposal was overbroad, the Bank Board has reconsidered the inclusion of mortgage loans in the "securities" definition. Although that subject is discussed more fully below, it should be noted that the Bank Board continues to be concerned that forward commitments to purchase mortgages may be subject to speculative abuse, and will monitor this area.

In regard to the recommendation that some institutions be exempted, the Bank Board's position is that this solution is not feasible since institutions of all sizes have encountered financial difficulties in handling forwards activities, whether through inability to fund commitments when due, poor management, lack of knowledge or control of boards of directors, or overreaching securities brokers or dealers.

In response to concerns expressed about the impact of these regulations upon existing commitments, the Bank Board intends the regulations to be prospective. Therefore, commitments entered into before the effective date are unaffected.

B. Regulations as Adopted and Discussion of Public Comments

Paragraph (a)—definitions. This paragraph contains definitions of "forward commitments," "securities," and "commitment fees." Changes made in response to public comment are discussed by subparagraph.

Subparagraph (a)(1), which defines forward commitments, has been modified to make it more precise in two respects. First, the time period of a contract to buy securities, as proposed, read, "* * * a date more than 30 days after the date of the contract." As modified, the period is "* * * 30 or more days after the contract date." Second, the description of a standby commitment was changed to read, "* * * such a commitment is a standby commitment if *delivery* is optional with the seller * * *." The proposal had referred to the *sale* as optional.

Aside from drafting changes which shortened the definition, no other modifications were made. Approximately 20 percent of respondents argued that the definition should include sales as well as purchases of securities. The Bank Board has determined not to adopt this "netting" concept, but rather favors a purchase limitation to prevent extensive trading in forwards, which indicates speculative activities.

Other commentors argued that firm commitments should be dropped from the definition because they are not subject to the same abuses as standbys. The Bank Board disagrees with this conclusion principally because firm commitments may also result in losses upon delivery and are just a susceptible to extensions and other arrangements which indicate inability to properly manage this activity.

Suggestions were also made that the 30-day time period be changed to better reflect the realities of the marketplace. Periods ranging between 90 and 180 days were most often mentioned. However, the Bank Board believes that the 30-day period best distinguishes between contracts for immediate delivery and those generally made for forward commitments, and is most consistent with accounting treatment for commitment fees received. Therefore, the 30-day period has been retained.

Subparagraph (a)(2), defining securities, has been revised to omit mortgage loans and clarify remaining language. A great deal of comment opposed inclusion of mortgage loans in the definition. Most often cited as reasons for dropping mortgage loans were: (1) Adverse impact upon the secondary market for mortgage loans; (2) lack of speculation in mortgage loans; (3) interference with commitments in excess of 30 days for mortgages to individuals and builders. Upon reconsideration, the Bank Board has limited the definition to securities. While abuses in commitments to buy mortgages have not been uncovered to any great extent, the Bank Board will monitor this activity so that if some of

the problems encountered with forward commitments to buy securities are shifted to the mortgage sector, appropriate action may be taken by the Bank Board to curtail them.

Subparagraph (a)(3), which defines commitment fees, is unchanged from the proposal. Only one comment addressed this subparagraph. The suggestion that the definition include consideration *paid by* an institution for a forward commitment was not added because regulations are limited to purchases (for which fees generally are paid *to* institutions).

Paragraph (b)—Authorized personnel. Public reaction to the proposed requirements was overwhelmingly favorable. This paragraph has been revised by adding two new requirements: the institution's board of directors must (1) approve the brokerage firms through which forward commitments are handled, and (2) set a dollar limit on transactions with each firm. These additions were made on the basis of public suggestions as well as on a recent survey completed by the Bank Board which disclosed that institutions' boards of directors were, in a surprising number of cases, unaware of the extent of forwards activity of their institutions.

Paragraph (c)—Limitations. As proposed, this paragraph set the lower of two limits for investment in forward commitments: an institution's outstanding mortgage loans during the twelve-month period ending at the close of the preceding month, or its documented capacity to fund all commitments. It also prohibited a practice known as "overtrading."

Most respondents took issue with the alternative limits proposed. One serious problem mentioned by respondents was lack of definition of an institution's "documented capacity to fund." A variety of items for inclusion were recommended, including excess liquidity, total borrowing capacity, savings flow projections, and cash to be received from sales of mortgages and investments for future delivery. Of even greater concern to respondents was that the alternative limitations were so restrictive that either of them might seriously hamper secondary mortgage market activity, and thus national housing needs.

A variety of alternatives to the proposed limitations was offered by respondents, some of which proposed a percentage-of-assets limit. Based upon information from its own survey, as well as respondents' suggestions, the Bank Board determined that the percentage-of-assets limit would be less restrictive than either limit in the proposal, yet stringent enough to prevent an unsafe level of activity.

The final regulation has been subdivided into subparagraphs (c)(1) and (c)(2). The first of these explains that forward commitment activity is permitted only if conducted on a prudent basis, but may be prohibited if an institution demonstrates otherwise, such as would be evidenced by an inability to fund commitments when due. The second subparagraph sets out a percentage-of-assets limit for institutions which are engaged in forward commitment activity. Institutions with net worth under 5 percent of assets may invest up to 10 percent of assets, and those with net worth over 5 percent of assets are permitted to invest up to 15 percent of assets. The Bank Board intends that institutions which have exceeded those percentages at the time these regulations become final shall be precluded from further activity in this area until such time as they are within the limits set by subparagraph (c)(2).

The "overtrading" prohibition contained in the proposal has been retained. Most respondents agreed that this practice, widely known as a trading device designed to disguise losses, is properly prohibited.

In response to questions raised by some commentors, the Board notes that the overtrading provision does not address reverse repurchase agreements, which are viewed as involving borrowings, not purchases of securities.

Paragraph (d)—Disposal prior to settlement. No change has been made from the proposal, although some writers opposed this provision on the ground that it prescribes accounting treatment contrary to generally accepted accounting principles.

The Bank Board intended, by this provision, to proscribe the practice of avoiding recognition of losses by "extending" a previously established settlement date for commitments. In some situations, in lieu of settling a commitment, institutions have elected to sell the original commitment, paying in the process a sum of cash representing losses incurred as a result of unfavorable market fluctuations between the trade date and date on which the commitment was sold. It is the Board's view that the disposal of the terminated commitment represents a transaction independent of the new commitment and should be accounted for accordingly.

Further, it is to be noted that generally accepted accounting principles do not specifically address this issue, which is somewhat controversial. When, at some future date, the accounting issue is resolved, the Bank Board will reconsider its position in light of generally accepted accounting principles.

Paragraph (e)—Recordkeeping requirements. Subparagraphs (e)(1) and (e)(3) of the proposal have been combined into subparagraph (e)(1) to clarify that only one register of forward commitments is required. Few comments on these combined provisions were received, most of which favored the requirement that a current register be kept of all outstanding forward commitments since it is generally agreed that good management requires such records.

Subparagraph (e)(2), which required that an institution document its ability to fund commitments when due, and identify the actual or projected funding source, has been modified by deleting the latter requirement. The Bank Board was persuaded by comments which argued that earmarking funds would be restrictive and limit cash management flexibility.

Subparagraph (e)(4), which proposed that purchases under standby commitments be recorded at the lower of cost or market value on the settlement date, has been dropped. The purpose of this provision was to require institutions engaging in forward activity to do so prudently. In many cases, institutions had engaged in commitments to purchase securities which, upon delivery, were worth considerably less than the contract price because of climbing interest rates. Additionally, many institutions had been assured by brokers and dealers that delivery would not take place. When, however, securities were delivered, institutions found that the commitment fee received for the standby position did not compensate for the risk taken on interest rate changes.

Respondents overwhelmingly opposed this provision on the grounds that its stringency would effectively preclude institutions from engaging in standby commitments. They contended that the proposed accounting treatment inequitably singled out certain securities for current value accounting, while not recognizing the soundness of the securities acquired. Moreover, respondents argued that sales as well as purchases of standbys would be restrained to such an extent that the secondary market in mortgage-backed securities would be adversely affected.

The Bank Board finds these arguments to be persuasive, and has dropped the requirement. At the present time the cost method of accounting is the prevailing method followed by the

savings and loan industry for recording securities transactions, and will, for conformity, be followed for forward commitments.

Paragraph (f) — Commitment fees received. The proposed requirement has been revised to conform to generally accepted accounting principles applicable to loan commitment fees, one portion of which has been clarified to require that commitment fees for a commitment period of 30 days or less be deferred over at least ten years. These changes were made to better align regulatory accounting with generally accepted accounting principles, as recommended by many respondents.

A principal purpose of this provision, as proposed, was to limit the practice of some institutions which predicated their investment decisions on the ability to "front-load" fees. Many respondents cited current regulatory provisions under § 563.23–1 as support for recording income currently, e.g., an association would issue a two-year standby commitment and take three points into income even though such income had not yet been earned. Such transactions were apparently undertaken without regard to the risks in issuing forward commitments beyond a reasonable period.

At the time the proposal was published, the accounting profession had not yet completed the "Audit and Accounting Guide for Savings and Loan Associations" ("Guide") which was prepared by the Committee on Savings and Loan Associations of the AICPA. On January 26, 1979, the Financial Accounting Standards Board approved release of the Guide, which indicated specific accounting guidelines for commitment fees to be followed by the savings and loan industry.

Insured institutions are referred to the Guide's section on fixed rate commitment fees. Under this section, the various reasons for receiving commitment fees are discussed. Such fees may compensate an institution for the cost of underwriting the commitment, may adjust the yield on the loan, or compensate for earmarking of funds. Given the impracticality of establishing different accounting rules for various components of a fixed-rate commitment fee, the AICPA has simply stated that such a fee, in excess of direct underwriting costs, should be deferred and amortized over the combined commitment and loan period. When the purchase transaction is settled, the current market interest rate is compared with the contract interest rate on the loan. If the current market interest rate is the same as or lower than the contract interest rate on the loan, the remaining unamortized fixed-rate commitment fee may be recognized as income. By contrast, if the current market interest rate were higher at the time the transaction settled, the remaining unamortized fixed rate commitment fee would be deferred and amortized over the loan period.

C. Conforming Amendment

Under present paragraph (a) of § 563c.13, service corporations of insured institutions must report their earnings under § 563.23–1, and institutions must calculate and report their investments in such service corporations in the same manner. Adoption of new § 563.17–3 creates an accounting inconsistency with these provisions. Therefore, the Bank Board has made a conforming amendment to cover forward commitments by adding reference to § 563.17–3.

Because these amendments relate to the safety and soundness of insured institutions and it is in the public interest that they become effective without delay, the Bank Board finds that publication of such amendments for the full 30 days specified in 12 CFR 508.14 and 12 U.S.C. § 553(d) prior to effective date is unnecessary, and the regulations shall become effective on June 1, 1979.

Accordingly, 12 CFR Part 563 of the rules and regulations for Insurance of Accounts is hereby amended by amending § 563.13(a) and adding § 563.17–3, to read as set forth below.

§ 563c.13 [Amended]

1. Paragraph (a) of § 563c.13 is amended by adding "and § 563.17–3" following each reference to § 563.23–1 in that paragraph.

2. Section 563.17–3 is added to read as follows:

§ 563.17–3 Forward commitments.

(a) *Definitions—*

(1) *Forward commitment.* An oral or written contract to buy securities 30 or more days after the contract date; such a commitment is a *standby commitment* if delivery is optional with the seller and a *firm commitment* if both buyer and seller are obligated to perform on the agreed date.

(2) *Securities.* Assets which are legal investments for a Federal asssociation under § 545.9 of this chapter (except mortgage futures under § 545.29), and any other similar assets of a State-chartered insured institution.

(3) *Commitment fee.* Any consideration received directly or indirectly by an insured institution for a forward commitment.

(b) *Authorized personnel.* The minutes of the board of directors of the insured institution shall set out the names, duties, responsibilities, and current limits of authority of the insured institution's personnel authorized to engage in forward commitment transactions for the institution; the brokerage firms through which authorized personnel may conduct forwards activity; and the dollar limit on transactions with each such firm.

(c) *Limitations—* (1) *General.* An insured institution may make forward commitments to purchase securities, subject to the limits in paragraph (c)(2) of this section, if that activity is conducted in a safe and sound manner. An example of an unsafe and unsound practice which may preclude further investment under this section is an inability to fund commitments when due. No insured institution may sell a forward commitment or security under agreement to purchase another forward commitment or security at a price other than actual market value.

(2) *Percent of assets.* An insured institution's outstanding forward commitments to purchase securities may not exceed an amount equal to 10 percent of its assets if net worth is less than 5 percent of assets, or 15 percent of assets if net worth is 5 percent or more of assets.

(d) *Disposal before settlement.* All profit or loss related to disposal or modification of a forward commitment before settlement shall be recognized on the institution's books at the time of disposal or modification.

(e) *Recordkeeping requirements.* An institution engaging in forward commitments shall establish and maintain the following:

(1) A current register of all outstanding forward commitments, including the type (firm or standby), commitment date, amount, rate, price to be paid at settlement, market price at date of commitment, settlement date, commitment fees received, date and manner of disposal, sales price and market value at disposal if disposition is made on or prior to settlement date other than through funding, and seller's identity and confirmation; and

(2) Documentation of the institution's ability to fund all outstanding forward commitments when due.

(f) *Commitment fees received.* A fee received for a forward commitment shall be recorded according to generally accepted accounting principles for loan commitment fees. If the commitment period is 30 days or less, a fee shall be deferred over at least ten years.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 79-16196 Filed 5-22-79; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Rev. 2, Amt. 4]

Listing of Field Offices

AGENCY: Small Business Administration.

ACTION: Final Rule.

SUMMARY: SBA has altered the boundaries of areas serviced by the Cleveland and Columbus District Offices. This realignment will make SBA's services more convenient for persons seeking assistance.

EFFECTIVE DATE: May 23, 1979.

FOR FURTHER INFORMATION CONTACT: Lee Waugh, Reports Management Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, (202) 653–6703.

SUPPLEMENTARY INFORMATION: Because Part 101 consists of rules relating to the Agency's organization and procedures, notices of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 is not required and this amendment to Part 101 is adopted without resort to those procedures.

Accordingly, pursuant to authority contained in 5(b)(6), of the Small Business Act (72 Stat. 385, 15 U.S.C. 634), Part 101 of Title 13 of the Code of Federal Regulations is amended as follows:

§ 101.3–1 [Amended]

§ 101.3–1(e)(3) is amended by adding the counties of Defiance, Fulton, Henry, Seneca, and Williams to the list of counties served by the Cleveland District Office.

§ 101.3–1(e)(4) is amended by deleting the counties of Defiance, Fulton, Henry, Sencea, and Williams from the list of counties served by the Columbus District Office.

Dated: May 16, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-16047 Filed 5-22-79; 8:45 am]

BILLING CODE 8025-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

24 CFR Part 1914

[Docket No. FI-5484]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, Federal Emergency Management Agency.[1]

ACTION: Final rule.

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

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

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column on the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown in the map.

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

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

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

[1] The functions of the Federal Insurance Administration, U.S. 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).

§ 1914.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Colorado	Routt	Unincorporated areas	080156	May 9, 1979, emergency	
North Dakota	Ramsey	Coulee, township of	380624—New	May 4, 1979, emergency	
Pennsylvania	Venango	Canal, township of	422108	May 9, 1979, emergency	Dec. 6, 1974.
Do	do	Mineral, township of	422536	do	Jan. 31, 1975.
Do	Jefferson	Rose, township of	421734-A	do	Sept. 20, 1974 and June 18, 1976.
Do	Berks	Upper Bern, township of	421118-A	do	Sept. 20, 1974 and Oct. 1, 1976.
Colorado	Grand	Grand Lake, town of	060214-A	do	Aug. 15, 1975 and Sept. 17, 1976.
Georgia	Bartow	Unincorporated areas	130463	May 10, 1979, emergency.	May 26, 1978.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Pennsylvania	Jefferson	Oliver, township of	421732	do	Dec. 13, 1974.
Texas	Hardin	Lumberton, city of	481111-A	May 8, 1979, emergency, May 8, 1979, regular.	Nov. 22, 1976.
Do	Hood	Unincorporated areas	480356-A	May 11, 1979, emergency.	May 11, 1979.
Missouri	Audrain	Vandiver, village of	290879—New	May 16, 1979, emergency.	
Pennsylvania	Jefferson	Beaver, township of	422441	May 15, 1979, emergency.	Jan. 17, 1975.
Do	Indiana	Montgomery, township of	421719	May 16, 1979, emergency.	Jan. 3, 1975.
Do	Jefferson	Polk, township of	421733	do	Dec. 6, 1974.
Texas	Hood	Granbury, city of	480357	do	July 9, 1976.
Do	McLennan	Northcrest, town of	481115	do	Oct. 29, 1976.
Oregon	Marion	Silverton, city of	410169-A	May 13, 1975, emergency, Mar. 1, 1979, regular, Mar. 1, 1979, suspended, May 14, 1979, reinstated.	May 10, 1974.

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

Issued: May 16, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15898 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1914

[Docket No. FI-5483]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, Federal Emergency Management Agency.[1]

ACTION: Final rule.

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

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

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plan management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

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

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

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

[1] The functions of the Federal Insurance Administration, U.S. 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).

§ 1914.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Mississippi	Clarke	Unincorporated areas	280220	Apr. 26, 1979, emergency.	Nov. 29, 1974 and Nov. 11, 1977.
Do	do	Enterprise, town of	280314	do	Jan. 19, 1979.
Do	Lawrence	Monticello, town of	280225	Apr. 27, 1979, emergency.	Dec. 27, 1974.
Do	Clarke	Quitman, town of	280319	Apr. 26, 1979, emergency.	
Florida	Broward	Hacienda, village of	120038-A	July 25, 1975, emergency, June 1, 1978, regular, July 3, 1978, suspended, Apr. 27, 1979, reinstated.	Sept. 6, 1974.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Minnesota	Carver	Waconia, city of	270055-B	July 2, 1974, emergency, Jan. 5, 1978, regular, Mar. 15, 1978, suspended, May 5, 1979, reinstated.	June 7, 1974 and Mar. 19, 1976.
Iowa	Delaware	Greeley, city of	190739	May 3, 1979, emergency	Oct. 29, 1976.
Louisiana	Union Parish	Unincorporated areas	220359	May 1, 1979, emergency	Sept. 13, 1977.
New Mexico	Valencia	Los Lunas, village of	350144—New	do	
Pennsylvania	Warren	Freehold, township of	422121	May 3, 1979, emergency	Jan. 24, 1975.
Mississippi	Copiah	Unincorporated areas	280221	May 2, 1979, emergency	Aug. 26, 1977.
Pennsylvania	Mercer	Lake, township of	422483	May 4, 1979, emergency	Jan. 31, 1975.
Do	Jefferson	Pinecreek, township of	422445	do	Jan. 24, 1975.
Do	Clarion	Richland, township of	422375	do	Jan. 17, 1975.
Do	Mercer	Sugar Grove, township of	422489	do	Jan. 31, 1975.
Florida	Broward	Pembroke Park, town of	120052-B	May 1, 1979, suspension withdrawn.	May 31, 1974 and Feb. 13, 1976.
Illinois	Marion	Salem, city of	170454-B	do	May 3, 1974 and June 18, 1976.
Do	Madison	Wood River, city of	170451-B	do	Feb. 15, 1974.
Iowa	Franklin	Hampton, city of	190131-B	do	June 21, 1974 and Mar. 5, 1976.
Kansas	Crawford	Pittsburg, city of	200072-B	do	Feb. 15, 1974 and Feb. 6, 1976.
Michigan	Macomb	Warren, city of	260129-B	do	May 17, 1974 and Sept. 3, 1976.
Minnesota	Washington	Lakeland, city of	275238-B	do	Feb. 9, 1972.
Do	do	Lakeland Shores, city of	275239-A	do	Apr. 28, 1972.
Do	do	Lake St. Croix Beach, city of	275240-A	do	Feb. 19, 1972.
Do	Dakota	Lakeville, city of	270107-B	do	June 7, 1974 and Aug. 20, 1976.
Do	Hennepin	Spring Park, city of	270186-B	do	June 7, 1974.
Do	do	Tonka Bay, city of	270187-B	do	June 7, 1974 and Mar. 19, 1976.
Mississippi	Humphreys	Louise, town of	280208-A	do	Nov. 29, 1974.
Missouri	St. Charles	St. Peters, city of	290319-B	do	Dec. 7, 1973 and Jan. 14, 1977.
New Hampshire	Belknap	Tilton, town of	330009-B	do	Mar. 22, 1974 and Oct. 29, 1976.
New Jersey	Ocean	Beachwood, borough of	340368-A	do	June 28, 1974.
New York	Erie	Holland, town of	360245-B	do	June 14, 1974 and July 2, 1976.
Ohio	Clermont	New Richmond, village of	390071-B	do	Mar. 1, 1974 and July 16, 1976.
Texas	Medina	Castroville, city of	480932-A	do	Aug. 13, 1976.

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

Issued: May 8, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15897 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4876]

Final Flood Elevation Determination for the City of Wayzata, Hennepin County, Minn., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Wayzata, Hennepin County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Wayzata, Hennepin County, Minnesota.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Wayzata are available for review at the City Hall, 600 Rice Street, Wayzata, Minnesota.

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 final determinations of flood elevations for the City of Wayzata, Hennepin County, Minnesota.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Minnetonka	Entire lake	931
Gleason Creek	Just downstream of Burlington Northern Railroad.	931
	Just upstream of Rice Street	937
	Just downstream of Wayzata Boulevard.	937
	Just upstream of Wayzata Boulevard.	941
	Just downstream of Central Avenue.	942
	Just downstream of U.S. Highway 12.	943
	Just upstream of Hollybrook Road.	945
	Mouth of Gleason Lake	946

(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 18, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15743 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4814]

Final Flood Elevation Determination for the Town of Satartia, Yazoo County, Miss., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Satartia, Yazoo County, Mississippi. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Satartia, Yazoo County, Mississippi.

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

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 final determinations of flood elevations for the Town of Satartia, Yazoo County, Mississippi.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yazoo River	Just downstream of Mississippi Highway 433.	106
	Confluence of Satartia Creek	106

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15744 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

[1] 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).

24 CFR Part 1917

[Docket No. FI-4820]

Final Flood Elevation Determination for the Borough of Catasauqua, Lehigh County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Catasauqua, Lehigh County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Catasauqua, Lehigh County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Catasauqua, Lehigh County, Pennsylvania, are available for review at the Borough Hall, Catasauqua, Pennsylvania.

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, DC 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Catasauqua, Lehigh County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the

[1] 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 for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lehigh River	Confluence of Catasauqua Creek.	271
	Race Street	271
	Abandoned Railroad	275
	Pine Street	278
Catasauqua Creek	Confluence with Lehigh River	271
	Conrail Bridge	272
	Lehigh River Canal	276
	Confluence of Tributary No. 1 to Catasauqua Creek.	288
	Wood Street	293
	Church Street	295
	Walnut Street	303

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15753 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M]

24 CFR Part 1917

[Docket No. FI-4933]

Final Flood Elevation Determination for the City of Celina, Collin County, Tex., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Celina, Collin County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Celina, Collin County, Texas.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Celina, Collin County, Texas are available for review at City Hall, Celina, Texas.

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 final determinations of flood elevations for the City of Celina, Collin County, Texas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Doe Branch	Just upstream of Ash Street	690
	Just downstream of 289 State Highway.	704

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15761 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4971]

Final Flood Elevation Determination for the Town of Fairview, Collin County, Tex., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Fairview, Collin County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Fairview, Collin County, Texas.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Fairview, Collin County, Texas are available for review at City Hall, Fairview, Texas.

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 final determinations of flood elevations for the Town of Fairview, Collin County, Texas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR

[1] 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).

[1] 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).

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sloan Creek	Just upstream of FM 1378	542
	Approximately 550 feet upstream of the eastern Corporate Limits.	523
Wilson Creek	Northern Corporate Limits	527
	Country Club Road extended.	525

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15762 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

Final Flood Elevation Determination for the County of Fauquier, Va., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the County of Fauquier, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the County of Fauquier, Virginia are available for review at the County Planning Office, 14 Main Street, Warrenton, Virginia.

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 final determination of flood elevations for the County of Fauquier, Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cedar Run	Southern Railroad Bridge	223
Owl Run	State Route 616	255
	Southern Railway	268
	State Route 28	268
	Access Road	268
Rappahannock River	Confluence of Tinpot Run	277
	Southern Railway	277
	U.S. Route 15/29	278
	U.S. Route 15/29 (By-Pass)	287
South Run	U.S. Route 29/211	476
	Va. Route 693	488
Tinpot Run	Confluence w/ Rappahannock River.	277
	Va. Route 651	277
	Va. Route 655	277
	U.S. Route 15/29	277
	U.S. Route 15/29 By-Pass	283
White Mills Branch	Upstream Corporate Limits	423

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15763 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4970]

Final Flood Elevation Determination for the City of Garland, Dallas County, Tex., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Garland, Dallas County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Garland, Dallas County, Texas.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Garland, Dallas County, Texas are available for review at the City Secretary's Office, City Hall, 200 North Fifth Street, Garland, Texas.

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 final determinations of flood elevations for the City of Garland, Dallas County, Texas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to

[1] 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).

[1] 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 41942, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rowlett Creek	Just downstream of State Highway 78.	481
	Just upstream of Blackburn Road.	495
Spring Creek	Just upstream of Naaman School Road.	490
	Just upstream of North Star Road.	512
	Just downstream of Big Spring Road.	532
Stream 2I1	Approximately 130' downstream of Naaman School Road.	497
Stream 2I2	Approximately 50' downstream of Apollo Road.	522
Stream 2I3	Just upstream of Apollo Road.	517
Stream 2I4	Just upstream of Quarry Road.	530
Stream 2I5	Approximately 100' downstream of Big Spring Road.	538
Stream 2I6	At Big Spring Road	548
Stream 2I7	Just upstream of Campbell Road.	561
Stream 2D1	Approximately 100' downstream of Centerville Road.	470
Mills Branch	Just upstream of Centerville Road.	451
	Just upstream of New Garland Avenue (New State Highway 66.	480
	Approximately 40' upstream of Commercial Street.	496
	Just upstream of Lavon Drive	522
Stream 2D3	Just downstream of High Meadow Drive.	487
Bradfield Creek	At Centerville Road	458
	Just upstream of Country Club Road.	511
Stream 2D13	Confluence with Rowlett Creek.	467
Stream 2D14	Approximately 40' upstream Ben Davis Road.	496
Stream 2D4	Just upstream of Atcheson Topeka & Santa Fe Railroad.	487
Stream 2D5	Approximately 100' downstream Blackburn Road.	506
Stream 2D6	Just downstream of North Star Road.	507
Duck Creek	Just downstream of State Highway 67 & Interstate Highway 30.	460
	Approximately 100' upstream of Dates Road.	473
	Just upstream of Kingsley Road.	506
	At Forrestland	538
	Approximately 100' downstream of Buckingham Road.	569
Long Branch	Approximately 150' upstream of Highway 635.	504
	Just upstream Centerville Road.	533
	Approximately 100' upstream of North West Highway.	560
Stream 2C1	Just upstream of Northern Frontage Road to U.S. Highway 67.	464
	Just upstream of Tacoma Drive.	487
Stream 2C2	Approximately 100' upstream of Douglas Drive.	526
Stream 2C3	Approximately 100' downstream of Patricia Lane.	547
	Just downstream of Lonnecker Drive.	578
Stream 2C4	At South Garland Avenue	541
	Just upstream of Patricia Lane.	558
Stream 2C5	Just upstream of Shiloh Road.	572
	Approximately 80' downstream of Kirby Street.	599
Stream 2C6	Just upstream of Buckingham Road.	581

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; 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.

[FR Doc. 79-15769 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4959]

Final Flood Elevation Determination for the City of Harrisonville, Cass County, Mo., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Harrisonville, Cass County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Harrisonville, Cass County, Missouri.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Harrisonville are available for review at the City Hall, Harrisonville, Missouri.

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 final determinations of flood elevations for the City of Harrisonville, Cass County, Missouri.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Muddy Creek	Downstream corporate limits	853
	At confluence of Town Creek	860
	Just upstream of Missouri Pacific Railroad.	867
	Just upstream of northbound U.S. 71.	874
	Just upstream of Commercial Street.	877
	Upstream corporate limits	890
Town Creek	Mouth at Muddy Creek	860
	Just upstream of northbound U.S. 71.	865
	Just upstream of Missouri Pacific Railroad.	873
	Just downstream of Commercial Street.	880
	Just upstream of Oakland Street.	885
	Just upstream of St. Louis & San Francisco Railroad.	893

[1] 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).

Source of flooding	Location	Elevation in feet national geodetic vertical datum
	Just downstream of Ash Street.	897
Tributary No. 1	Downstream corporate limits.	869
	Just upstream of northbound U.S. 71.	880
	Approximately 2,200 feet upstream of northbound U.S. 71.	888
Tributary No. 2	Mouth at Muddy Creek	874
	Just upstream of Orchard Road.	883
	Just upstream of East South Street.	894
	Approximately 3,000 feet upstream of East South Street.	903
	Just upstream of Bird Avenue.	921

(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 18, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15745 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4877]

Final Flood Elevation Determination for the City of Lake Lotawana, Jackson County, Mo., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Lake Lotawana, Jackson County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Lake Lotowana, Jackson County, Missosuri.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Lake Lotawana are available for review at the City Hall, Route 4, Gate 1, Lake Lotawana, Missouri.

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 final determinations of flood elevations for the City of Lake Lotawana, Jackson County, Missouri.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Lotawana	Within the corporate limits of the City of Lake Lotawana.	886
West Fork	Just upstream of Shore Drive at Dam.	886
	350 feet downstream of Shore Drive.	883
	780 feet downstream of Shore Drive.	842
	1,300 feet downstream of Shore Drive.	840
	2,200 feet downstream of Shore Drive.	840
	Eastern Corporate Boundary.	838

(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, 43 FR 7719).

Issued: April 18, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15746 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4920]

Final Flood Elevation Determination for the City of Hayward, Sawyer County, Wis., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Hayward, Sawyer County, Wisconsin. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Hayward, Sawyer County, Wisconsin.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Hayward are available for review at the City Clerk's Office, Hayward, Wisconsin.

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, DC 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Hayward, Sawyer County, Wisconsin.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR

[1] 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).

[1] 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).

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Namekagon River	400 feet upstream from western corporate limits (western corporate limits is 4,120 feet downstream of the dam).	1,171
	Downstream of the dam	1,176
	Upstream of the dam	1,189
	At eastern corporate limits	1,189
Smith Lake Creek	Upstream of Chicago & Northwestern Railroad (top of culvert).	1,196
	Downstream of 3rd Street	1,198
	Upstream of 3rd Street	1,202
	At the dam	1,204
	At Highways 27 and 77	1,207
	At northern corporate limits	1,208

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15766 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4982]

Final Flood Elevation Determination for the City of High Point, Guilford County, N.C., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of High Point, Guilford County, North Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to quality or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of High Point, Guilford County, North Carolina.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of High Point, Guilford County, North Carolina are available for review at the City Clerks Office, 211 South Hamilton Street, High Point, North Carolina.

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 final determinations of flood elevations for the City of High Point, Guilford County, North Carolina.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deep River	Just upstream of the confluence of Stream No. 26.	734
	Just downstream of Southern Railroad.	735
Stream No. 26	Approximately 100 feet downstream of North Scientific Street.	770
	Just upstream of confluence of Stream No. 27.	773
Stream No. 27	Just upstream of Southern Railroad.	787
	Just downstream of Rosecrest Drive.	810
West Fork Deep River	Just upstream of High Point Dam.	761
	Just downstream of Deep River Road.	777
Stream No. 18	Just downstream of Willard Road.	801
	Just upstream of Willard Road.	806
Boulding Branch	Approximately 200 feet upstream of Lexington Avenue.	816
	Approximately 100 feet downstream of Montilieu Avenue.	822
Stream No. 20	Just downstream of Terrell Drive.	819
	Just upstream of East College Drive.	829
	Just downstream of North Centennial Street.	842
Stream No. 13	Just upstream of confluence of Oak Hollow Lake.	807
Hiatt Branch	Just downstream of Hillside Drive.	810
Horney Branch	Just upstream of Aberdeen Road.	811
	Approximately 150 feet upstream of Fairlane Street.	817
	Just downstream of Old Mill Road.	834
	Just upstream of Old Mill Road.	840
Richland Creek	Approximately 200 feet upstream of Kersey Valley Road.	704
	Approximately 200 feet upstream of Jackson Lake Road.	710
	Just upstream of Baker Road	729
	Just upstream of Brentwood Street.	782
	Just upstream of West Linden Avenue.	831
	Just upstream of South Elm Street.	837
Mile Branch	Approximately 150 feet downstream of Jackson Lake Road.	740
Stream No. 34	Approximately 100 feet upstream of U.S. 29 and 70.	746
	Just upstream of East Green Drive.	784
	Approximately 100 feet downstream of Habersham Road.	817
Stream No. 33	Approximately 150 feet upstream of Nathan Hunt Drive.	789
	Just downstream of Wise Avenue.	808
Stream No. 31	Just upstream of Carolina and Northwestern Railroad.	841
	Approximately 100 feet downstream of West Ward Avenue.	850
	Just downstream of Vail Avenue.	855
Stream No. 99	Just downstream of Westchester Drive.	825
Stream No. 97	Approximately 100 feet downstream of Nottingham Road.	800
	Just upstream of Nottingham Road.	808
Stream No. 95	Approximately 150 feet upstream of Sweetbriar Road.	789
	Just Downstream of Westchester Drive.	799
	Just upstream of Westchester Drive.	809

[1] 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).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Approximately 200 feet upstream of Rockford Road.	816
Stream No. 92	Just upstream of the Western Guilford County Line.	781
	Approximately 200 feet downstream of the confluence of Stream No. 93.	790
Stream No. 29A	Just upstream of Bales Chapel Road.	725
Stream No. 93	Just upstream of Cherokee Avenue.	822
	Just downstream of Westchester Drive.	823
	Just upstream of Westchester Drive.	833

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15749 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4927]

Final Flood Elevation Determination for the Borough of Liberty, Allegheny County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Liberty, Allegheny County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Liberty, Allegheny County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Liberty, Allegheny County, Pennsylvania, are available for review at the Borough Hall, Liberty, Pennsylvania.

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 final determinations of flood elevations for the Borough of Liberty, Allegheny County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Youghiogheny River	At downstrean corporate limits and confluence of Unnamed Tributary.	745
	At River Mile No. 2 Post	746
	At Chessie System Bridge	747
	At upstream corporate limits	747

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15754 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

[1] 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).

24 CFR Part 1917

[Docket No. FI-4983]

Final Flood Elevation Determination for the City of Lexington, Davidson County, N.C., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Lexington, Davidson County, North Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Lexington, Davidson County, North Carolina.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lexington, Davidson County, North Carolina are available for review at the City Engineers Office, 907 Talbert Boulevard, Lexington, North Carolina.

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 final determinations of flood elevations for the City of Lexington, Davidson County, North Carolina.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90)

[1] 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).

days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rat Spring Branch	Just upstream of confluence of Wallitown Branch.	705
	Upstream of intersection of Foyell Street and Pennington Avenue.	714
	Upstream of Menoonta Avenue.	731
Walltown Branch	Downstream of Linwood Road.	707
Yarborough Drain	Upstream of Cotton Grove Road.	723
	Hoover Drive Extended	739
Walltown Drain	Just east of Cotton Grove Road at corporate limits.	752
Michael Branch	Downstream of Fifth Avenue	704
	Approximately 100 feet downstream of confluence of Royal Park Branch.	710
Michael Branch	Upstream of West Center exit.	722
	Downstream of Biesecker Road.	752
	Upstream of Biesecker Road.	757
	Upstream of Price Road	768
Wennonah Mill Draw	Just downstream of Winston-Salem Southbound Railroad.	721
Royal Park Branch	Downstream of Spruce Street.	712
	Downstream of Burler Street	715
	Winston-Salem Southbound Railroad.	718
	Williams Street (extended)	735
Royal Park Drain	Upstream of Westside Drive	722
	Approximately 100 feet downstream of Payne Street.	734
	Just downstream of Williams Circle.	745
Erlanger Branch	Upstream of Swing Dairy Road.	724
	Upstream of Winston-Salem Southbound Railroad.	749
	Upstream of Hames Street	758
Shoaf Branch	Approximately 400 feet upstream of confluence with Michael Branch.	712
	Upstream of Royal Avenue	728
	Corporate Limits	734
Woodcrest Drain	Approximately 180 feet upstream of confluence with Michael Branch.	726
	Downstream of Woodhaven Drive.	743
Biesecker Creek	Just upstream of downstream corporate limits.	736
Swearing Creek	Upstream corporate limits	716
Northside Creek	Approximately 1000 feet upstream of confluence with Swearing Creek.	719
Northside Branch	Confluence with Northside Creek.	728
Jefferson Village Branch.	Corporate limits	672
	Upstream of Ninth Street extension	748
Jefferson Village Tributary.	Approximately 100 feet upstream of confluence with Jefferson Village Branch.	675
Northview Heights Branch.	Approximately 800 feet upstream of confluence with Jefferson Village Branch.	686
	Downstream of White Street	727
	Upstream of White Street	735
Swingsdairy Branch	Upstream of North Main St.	748
	Downstream of Greensboro St.	750
Darr Branch	Just Upstream of Converse Dr.	654
	Downstream of Center Street	684
	Upstream of Center Street	694
	Upstream of Third Avenue	701
	Upstream of Tanyard Street	724
Darr Draw	Approximately 160 feet upstream of Young Drive.	661
Nokomis Branch	Upstream of Talbert Boulevard.	678
	Approximately 100 feet downstream of Church Street.	698
	Approximately 100 feet upstream of Church Street.	715
	Pine Street	738
Lakewood Hills Branch.	Approximately 100 feet downstream of Dalewood Drive.	679
	Approximately 200 feet upstream of Dalewood Drive.	696
Lakewood Hills Drain	Corporate limits	672
Twin Creek Tributary	Upstream of Twin Acres Drive.	674
Gold Course Drain	Approximately 70 feet upstream of corporate limits.	750
Fern Valley Branch	Proposed Interstate 85	636
	Approximately 80 feet downstream of confluence of Number 9 Golf Course Drain.	666
Number 9 Golf Course Drain.	County Club Drive	678
	Corporate limits	732
Abbotts Creek	Twin Acres Drive (extended)	636

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15750 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4968]

Final Flood Elevation Determination for the Town of Marion, Smyth County, Va., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Marion, Smyth County, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Marion, Smyth County, Virginia.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Marion, Smyth County, Virginia are available for review at the Office of the Mayor, Marion, Virginia.

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 final determinations of flood elevators for the Town of Marion, Smyth County, Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle Fork Holston River.	Upstream Country Club Road	2,087
	Upstream Marion Dam	2,110
	Upstream Amplex Street	2,127
	At Mile 43.6	2,146
	Upstream Norfolk and Western Railway.	2,175
Staley Creek	At East Lee Street	2,125
	At East High Street	2,142
	Upstream Matson Drive	2,170
	Upstream Interstate Route 81 (Exit North).	2,192

[1] 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).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Branch	At Pearl Avenue	2,142
	At South Iron Street	2,146
	At Orange Street	2,160
	At Mile 0.46	2,191
	At Church Street (Mile 0.66)	2,210
Hooks Branch	At Matson Drive (Mile 0.05)	2,172
	At Interstate Route 81	2,184
	Upstream Matson Drive at Mile 0.27.	2,190
	At Mile 0.38	2,200
	Upstream Private Drive at Mile 0.57.	2,220
	Upstream Matson Drive at Mile 0.68.	2,233
	Upstream Matson Drive at Mile 0.85.	2,249
	At Mile 1.00	2,263
	At Mile 1.10	2,273

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15764 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4916]

Final Flood Elevation Determination for the Borough of Moosic, Lackawanna County, Pa. Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Moosic, Lackawanna County, Pennsylvania. The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Moosic, Lackawanna County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Moosic, Lackawanna County, Pennsylvania, are available for review at the Borough Hall, Moosic, Pennsylvania.

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 final determinations of flood elevations for the Borough of Moosic, Lackawanna County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the Community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lackawanna River	Confluence of Mill Creek	618
	Confluence of Spring Brook	624
	Third Street	636
	Pennsylvania Turnpike Northeast Extension.	648
	Conrail Bridge (Downstream).	652
	Conrail Bridge (Upstream)	659
	Upstream Corporate Limit	660
Mill Creek	Confluence with the Lackawanna River.	618
	Dick Street	622
	Abandoned Railroad Bridge	629
	Downstream end of Culvert	633
	Upstream end of Culvert	636
	County Boundary	636
Spring Brook	Confluence with the Lackawanna River.	624
	Delaware and Hudson Railroad.	641
	Scranton Highway	646
	Interstate 81	669
	State Route 502 just upstream from Interstate 81.	680
	Second crossing of State Route 502.	717
	Conrail Bridge	734
	Pennsylvania Turnpike Northeast Extension.	751
	County Boundary	762

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15755 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-3743]

Final Flood Elevation Determination for the City of Norman, Cleveland County, Okla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final Rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Norman, Cleveland County, Oklahoma. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base flood elevations, for the City of Norman, Cleveland County, Oklahoma.

ADDRESS: Maps and other information showing the detail outlines of the flood-prone areas and the final elevations for the City of Norman, Cleveland County, Oklahoma are available for review at the Planning Department of the City of Norman, 111 North Peters, Norman, Oklahoma.

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 final determinations of flood elevations for the City of Norman, Cleveland County, Oklahoma.

[1] 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).

[1] 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 41942, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Canadian River	Just upstream of Interstate Highway 35.	1,105
	Just upstream of Rock Creek Road.	1,132
	Just downstream of Franklin Road.	1,142
Bishop Creek	Clearview Drive (extended)	1,125
	Just upstream of Brooks Street.	1,134
	Just upstream of Oklahoma Avenue.	1,142
	Just upstream of Alameda Street.	1,154
	Just downstream of Cockrel Avenue.	1,171
Bishop Creek Tributary A.	Approximately 500 feet upstream of U.S. Highway 77 (Classen Boulevard).	1,132
	Approximately 100 feet downstream of Lindsey Street.	1,143
	Just upstream of Sinclair Drive.	1,166
Bishop Creek Tributary B.	Just upstream of Alameda Street.	1,157
	Apache Street (extended)	1,166
Bishop Creek Tributary C.	Approximately 400 feet upstream of Brooks Street.	1,145
Imhoff Creek	Just upstream of Imhoff Road.	1,112
	Westbrooke Terrace (extended).	1,131
	Just upstream of Lindsey Street.	1,141
	Just downstream of Boyd Street.	1,147
	Just upstream of Main Street.	1,159
	Just upstream of Webster Avenue.	1,164
Merckle Creek	Just upstream of Lindsey Street.	1,131
	Just upstream of 24th Avenue, S.W..	1,145
	Just downstream of Crestment Street.	1,150
	Just downstream of Robinson Street.	1,159
Merckle Creek overflow.	Just upstream of Stephanie Lane.	1,116
Brookhaven Creek	Just upstream of Main Street.	1,126
	Just upstream of Robinson Street.	1,153
Rock Creek	Leaning Elm Drive (extended).	1,138
	Just upstream of Rock Creek Road.	1,158
Lake Thunderbird	Entire shoreline	1,049

(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.

[FR Doc. 79-15752 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

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24 CFR Part 1917

[Docket No. FI-4878]

Final Flood Elevation Determination for the City of North Platte, Lincoln County, Nebr., Under The National Flood Insurance Program

AGENCY: Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of North Platte, Lincoln County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of North Platte, Lincoln County, Nebraska.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of North Platte, are available for review of the City Hall, North Platte, Nebraska.

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 final determinations of flood elevations for the City of North Platte.

[1] 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).

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fremont Slough	At the downstream extraterritorial limits.	2,779
	5,100 feet upstream of extraterritorial limits.	2,783
	6,300 feet downstream of Sutherland Power Return Canal.	2,791
	Just upstream of Sutherland Power Return Canal.	2,800
	Just upstream of Echo Drive..	2,807
	Just upstream of Walker Road.	2,818
	At upstream extraterritorial limits.	2,825
	3,200 feet upstream of extraterritorial limits.	2,831
South Platte River	At the downstream extraterritorial limits.	2,778
	5,500 feet downstream of Sutherland Power Return Canal.	2,789
	Just upstream of U.S. Route 83.	2,802
	Centerline of Buffalo Bill Avenue extended.	2,812
	At upstream extraterritorial limits.	2,835
North Platte River	At the downstream extraterritorial limits.	2,775
	Just downstream of U.S. Route 30.	2,783
	Just upstream of Union Pacific Railroad.	2,788
	Just upstream of U.S. Route 83.	2,801
	At the upstream extraterritorial limits.	2,821
	2,600 feet upstream of extraterritorial limits.	2,824

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

Issued: April 17, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15747 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4986]

Final Flood Elevation Determination for the Township of Peters, Washington County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Peters, Washington County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Peters, Washington County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Peters, Washington County, Pennsylvania, are available for review at the Municipal Building, 610 East McMurray Road, McMurray, Pennsylvania.

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 final determinations of flood elevations for the Township of Peters, Washington County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brush Run	Thompsonville Road	909
	East McMurray Road	981
	Private Dirve	996
	Bebout Road	1,013
Chartier Creek	Conrail	862
	Valley Brook	866
	Conrail	871
Peters Creek	Venetia Road	957
	Mingo Road	983
	Lutes Road	1,001
	Private Drive	1,020

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15756 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4987]

Final Flood Elevation Determination for the Township of Reed, Dauphin County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Reed, Dauphin County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Reed, Dauphin County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Reed, Dauphin County, Pennsylvania, are available for review at the Township Municipal Building, Reed, Pennsylvania.

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 final determinations of flood elevations for the Township of Reed, Dauphin County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River	Confluence of Cove Creek	349
	Confluence of Sherman Creek.	353
	Clarksbury Road (Route 22/322).	360
	Powell Creek	363
Juniata River	State Route 274	359
	U.S. Route 11/15	362
Powell Creek	Confluence with Susquehanna.	363
	Conrail R.R.	363
	Tributary to Powell Creek 1,200 yards upstream of Conrail.	378
	Shoop Road (Township Route 547).	394

[1] 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).

[1] 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).

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15757 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

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24 CFR Part 1917

[Docket No. FI-5006]

Final Flood Elevation Determination for the Unincorporated Areas of Rowan County, N.C., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of Rowan County, North Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt of show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of Rowan County, North Carolina.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Rowan County, North Carolina are available for review at the County Manager's Office, Rowan County Courthouse, 202 North Main Street, Salisbury, North Carolina 28144.

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 final determinations of flood elevations for the unincorporated areas of Rowan County, North Carolina.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coldwater Creek	Just downstream of Old Beatty Ford Road.	656
	Just downstream of Daugherty Road.	671
	Just downstream of Pine Branch Road.	692
	Just downstream of Lentz Road.	712
Beaver Creek	Just downstream of confluence of Beaver Creek Tributary.	666
Beaver Creek	Just downstream of Ebenezer Street.	700
	Just upstream of Ebenezer Street.	703
	Just downstream of US 29-601.	764
Beaver Creek Tributary.	Just downstream of confluence of Moose Branch.	715
	Just downstream of Ebenezer Street.	733
	Just downstream of 22nd St.	782
Moose Branch	Approximately 620 feet upstream of confluence with Beever Creek Tributary.	720
Town Branch	Just downstream of China Grove Road.	686
	Just downstream of Old Beatty Ford Road.	723
	Just downstream of US 29-601.	754
	Just upstream of US 29-601.	761
Coldwater Creek Tributary.	Approximately 350 feet upstream of Daugherty Road.	675
	Just downstream of China Grove Road.	702
	Just upstream of China Grove Road.	708
Walnut Street Branch.	Approximately 300 feet upstream of confluence with Cold Water Creek.	688
	Just downstream of Pine Ridge Road.	713
Pine Ridge Branch	Just downstream of Arant Road.	740
	Just upstream or Arant Road.	748
East Centerview Branch.	Approximately 1000 Feet upstream of confluence with Cold Water Creek.	700
	Just downstream of Highway 29 Alternate.	744
Patterson Branch	Just upstream of Grace Avenue.	750
	Just downstream of Jackson St.	752
	Just downstream of Marie Avenue.	755
	Just downstream of Ruth Avenue.	759
	Just downstream of 11th Street.	771
	Just downstream of 13th Street.	780
Dutch Buffalo Creek	Just downstream of confluence of Dutch Buffalo Creek Tributary.	689
	Just downstream of Old Beatty Ford Road.	695
	Just downstream of Rogers Rd.	727
	Just upstream of Rogers Rosd.	732
Dutch Buffalo Creek Tributary.	Just upstream of Roy Cline Road.	753
Bostian Heights Branch.	Just downstream of Old Concord Road.	720
	Just downstream of Sercy Rd	740
	Just downstream of Daughtery Road.	750
Irish Buffalo Creek	Just dowstream of C Street	687
	Just downsteam of Kannapolis Lake Dam.	692
	Just upstream of Kannapolis Lake Dam.	729
	Just downstream of Cannon Farm Road.	733
	Just downstream of Saw Road.	753
Baker Branch	Just downstream of Glenn Ave.	698
	Just downstream of A Street.	709
	Just downstream of 22nd St.	755
	Just upstream of 22nd Street	758
Dye Branch	Just downstream of 8th Street.	710
	Just upstream of 8th Street	719
Lumber Yard Branch	Just downstream of 8th Street.	727
	Just downstream of Church Ave.	757
	Just upstream of Church Ave.	770
Graeber Branch	Approximately 300 feet upstream of confluence with Baker Branch.	725
Graeber Tributary	Approximately 300 feet upstream of confluence with Baker Branch.	740
Rose Hill Branch	Just downstream of Blackwelder Street.	793
	Just upstream of Blackwelder Street.	800
	Just downstream of Rice St.	807
	Just downstream of Rosemont Avenue.	812
Draft Branch	Just downstream of Rowan Mill Road.	678
	Just downstream of Neil Road.	705
	Just downstream of Cauble Rd.	737
Wildlife Tributary	Just downstream of Harrison Road.	675
	Just downstream of Lentz Road.	708
Draft Branch Tributary	Approximately 1000 feet upstream of confluence with Draft Branch.	704
	Just downstream of Neil Road.	731
Grants Creek	Just downstream of 3rd Street.	634
	Just downstream of 7th Street.	640
	Just downstream of US 601	654

[1] 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).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just upstream of Woodleaf Rd.	672
	Just downstream of Rowan Mill Road.	677
	Just downstream of Fisher Mill Road.	701
Rowan Avenue Park Stream.	Just downstream of Spencer corporate limits.	636
Lomax Creek	Approximately 600 feet upstream of confluence with Grants Creek.	638
Sixth Street Branch	Approximately 700 feet upstream of confluence with Grants Creek.	642
Henderson Branch	Approximately 1400 feet upstream of confluence with Grants Creek.	646
	Just downstream of the Golf Course Fairway.	657
Mahaley Branch	Just downstream of Park Road.	649
	Approximately 100 feet downstream of Hickory Drive.	655
Maple Avenue Branch	Just downstream of Woodleaf Road.	678
Woodleaf Branch	Just downstream of confluence of Maple Avenue Branch.	677
Woodleaf Branch	Just downstream of Lincolnton Road.	680
Petrea Branch	Approximately 2200 feet upstream of confluence with Grants Creek.	718
	Just downstream of China Grove Corporate Limits.	732
Swearington Branch	Just downstream of New Subdivision Road.	746
	Just downstream of New Subdivision Road.	752
Lake Wright Branch	Just downstream of Miller Rd.	720
	Just downstream of Stirewalt Road.	744
	Just downstream of Lake Wright Road.	793
Five Forks Tributary	Just downstream of Stirewalt Road.	740
	Just Upstream of Stirewalt Rd.	748
Wright Branch	Approximately 800 feet upstream of confluence with Lake Wright Branch.	773
North Fork Tributary	Approximately 400 feet upstream of confluence with Lake Wright Branch.	773
	Just upstream of Private Dr.	845
Little Creek	Just downstream of Shue Road.	697
	Just upstream of Shue Road.	700
	Just downstream of Miller Rd..	711
	Just upstream of Miller Road.	713
	Just downstream of Cooper Rd.	726
	Just upstream of Cooper Road.	731
Railroad Branch	Approximately 400 feet upstream of confluence with Town Creek.	652
Ice Plant Creek	Approximately 400 feet upstream of confluence with Town Creek.	664
Town Creek	Just downstream of I-85	635
	Just upstream of Correll St.	667
	Just downstream of Julian Rd.	718
	Just downstream of Peach Orchard Road.	741
	Just downstream of Webb Road.	761
	Just downstream of Mt. Hope Road.	782
Julian Tributary	Just downstream of Julian Road.	727
	Just downstream of I-85	746
Gravel Pit Branch	Approximately 300 feet upstream of confluence with Julian Tributary.	722
	Just downstream of I-85	730
Town Creek Tributary	Just downstream of Leach Road.	771
	Just upstream of Leach Road.	778
	Just downstream of Brookfield Circle Drive.	778
	Just downstream of Weaver Rd.	780
Crane Creek	Just downstream of Old Union Church Road.	637
	Just downstream of Bringle Ferry Road.	662
	Just upstream of Bringle Ferry Road.	668
	Just downstream of Barringer Road.	712
	Just downstream of St. Pauls Church Road.	732
Trexler Creek	Just upstream of Treatment Plant Road.	709
	Just upstream of Carolina and Northwestern Railroad.	722
Legion Park Branch	Just downstream of Old 80 Rd.	714
	Just upstream of Old 80 Rd.	720
Byrd Road Tributary	Just downstream of Faith Rd.	727
	Just downstream of Legion Club Road.	777
Quarry Creek	Just downstream of St. Pauls Church Road.	737
	Just downstream of Confluence of Cemetary Creek.	762
Cemetery Creek	Approximately 100 feet upstream of confluence with Quarry Creek.	763
Faith Road Branch	Just downstream of Old Covered Road.	750
	Just downstream of Webb Road.	776
Southside Tributary	Approximately 1000 feet upsteam of confluence with Faith Road Branch.	760
	Just downstream of Webb Road.	778
Peeler Branch	Just downstream of Rockwell corporate limits.	719

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15751 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-3920]

Final Flood Elevation Determination for the Town of Salamanca, Cattaraugus County, N.Y., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA [1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Salamanca, Cattaraugus County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

[1] 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Salamanca, Cattaraugus County, New York.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Salamanca, Cattaraugus County, New York, are available for review at the Town Office, Route 353, Salamanca, New York.

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 final determinations of flood elevations for the Town of Salamanca, Cattaraugus County, New York.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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

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

Source of flooding	location	Elevation in feet, national geodetic vertical datum
Little Valley Creek	Downstream Corporate Limits.	1,372
	Center line of Downstream Conrail Bridge.	1,385
	Center line of Center Street	1,388
	Center line of Upstream Conrail Bridge.	1,410
	Upstream Corporate Limits	1,416

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15767 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

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24 CFR Part 1917

[Docket No. FI-4967]

Final Flood Elevation Determination for the County of Scott, Va., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA. [1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the County of Scott, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the County of Scott, Virginia, are available for review at the County Administrator's Office, Gate City, Virginia.

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 final determinations of flood elevations for the County of Scott, Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this

[1] 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).

determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Fork Holston River.	Downstream State Boundary.	1,205
	U.S. Route 23	1,217
	U.S. Routes 58 and 421	1,283
Stony Creek	Clinchfield Railroad	1,272
	Mill Dam	1,278
	River Mile 1.00	1,301
	River Mile 1.50	1,326
Big Moccasin Creek	U.S. Routes 58 and 421 at River Mile 2.35.	1,256
	Mill Dam	1,291
Clinch River	U.S. Routes 23, 58, and 421	1,232
	Clinchfield Railroad	1,258
	State Route 65	1,301
North Fork Clinch River.	River Mile 13.0	1,239
	River Mile 15.0	1,259
	Kingdom Road	1,282
	State Route 638	1,291
	River Mile 21.0	1,319
Troublesome Creek	Private Road at River Mile 2.12.	1,426
	Private Road at River Mile 2.37.	1,447
	Private Bridge at River Mile 2.64.	1,470
Tributary No. 1 to Possum Creek at Mile 5.23.	Confluence of Cate Branch	1,261
	Private Bridge at River Mile 1.5.	1,286
Tributary No. 1 to North Fork Holston River at Mile 7.34.	State Route 714	1,212
	Private Bridge at River Mile 0.55.	1,227
Stock Creek	Upstream Town of Clinchport Corporate Limits.	1,239
	Southern Railway at River Mile 1.93.	1,259
	Footbridge at River Mile 2.85	1,296
	State Route 646	1,333
Little Moccasin Creek.	Private Road at River Mile 3.42.	1,354
	Private Road at River Mile 4.41.	1,385
	Private Road at River Mile 5.61.	1,438

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15765 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4909]

Final Flood Elevation Determination for the Village of Snyder, Dodge County, Nebr., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Snyder, Dodge County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Snyder, Dodge County, Nebraska.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Village of Snyder are available for review at the Village Office, Snyder, Nebraska.

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 final determinations of flood elevations for the Village of Snyder, Dodge County, Nebraska.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle Pebble Creek	Just upstream of County Road 16.	1,312
	500 feet downstream from Rangeline Street.	1,317
	700 feet upstream from Rangeline Street.	1,322
	1.36 miles upstream from Rangeline Street.	1,326

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

Issued: April 18, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15748 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

24 CFR Part 1917

[Docket No. FI-4923]

Final Flood Elevation Determination for the City of Tahlequah, Cherokee County, Okla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Tahlequah, Cherokee County, Oklahoma. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood

[1] 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).

[1] 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).

elevations, for the City of Tahlequah, Cherokee County, Oklahoma.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Tahlequah, Cherokee County, Oklahoma are available for review at City Hall, Tahlequah, Oklahoma.

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 final determinations of flood elevations for the City of Tahlequah, Cherokee County, Oklahoma.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Branch	Approximately 120 feet upstream of southern corporate limits.	721
	Just upstream of first Street	745
	Just downstream of Downing Street.	782
	Just upstream of York Street.	822
	Approximately 80 feet downstream of Allen Road.	855
East Branch	Approximately 250 feet upstream of South Street.	765
	Just upstream of Maple Street.	777
	Approximately 400 feet upstream of Downing Street (Route 10, 62, 51).	836

(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 24, 1979.

Gloria M. Jiminez,

Federal Insurance Administrator.

[FR Doc. 79-15768 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

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24 CFR Part 1917

[Docket No. FI-4930]

Final Flood Elevation Determination for the Township of Wayne, Clinton County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Township of Wayne, Clinton County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Wayne, Clinton County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Wayne, Clinton County, Pennsylvania, are available for review at the Township Building, Lockhaven, Pennsylvania.

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 final determinations of flood elevations for the Township of Wayne, Clinton County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Downstream Corporate Limits.	554
	Conrail	558
	Appalachian Thruway	559
	Legislative Route 18033	561
	Upstream Corporate Limits	563

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15759 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

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24 CFR Part 1917

[Docket No. FI-4931]

Final Flood Elevation Determination for the Township of West Pottsgrove, Montgomery County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of West Pottsgrove, Montgomery County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the

[1] 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).

[1] 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).

National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of West Pottsgrove, Montgomery County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of West Pottsgrove, Montgomery County, Pennsylvania, are available for review at the Township Building, 101 Lemon Street, Stowe, Pennsylvania.

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 final determination of flood elevations for the Township of West Pottsgrove, Montgomery County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Schuylkill River	Upstream County Boundary	151
	Downstream Corporate Limit	148
Manatawny Creek	Upstream County Boundary	161
	Grosstown Road	161
	Confluence of Tributary No. 1 to Manatawny Creek.	157
	Downstream Corporate Limit	152

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15760 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

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24 CFR Part 1917

[Docket No. FI-5007]

Final Flood Elevation Determination for the Borough of Yeadon, Delaware County, Pa. Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Yeadon, Delaware County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Yeadon, Delaware County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Yeadon, Delaware County, Pennsylvania, are available for review at the Borough Hall, Church Lane and Bailey Road, Yeadon, Pennsylvania.

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 final determinations of flood elevations for the Borough of Yeadon, Delaware County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cobbs Creek	Downstream Corporate Limits.	29
	Chessie System (Upstream)	31
	Church Lane (Upstream)	32
	65th Street (Upstream)	34
	Cobbs Creek Parkway (downstream crossing) (Upstream).	36
	Cemetery Access Road (Upstream).	38
	Cobbs Creek Parkway (Upstream crossing) (Upstream).	39
	Longacre Boulevard (Upstream).	47
	Conrail (Upstream)	48
	Baltimore Avenue (Upstream)	52
	Upstream Corporate Limits	52
Darby Creek	Downstream Corporate Limits.	31
	Providence Road (Downstream).	33
	Providence Road (Upstream).	38
	Upstream Corporate Limits	39

(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 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15758 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-23-M

[1] 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).

DEPARTMENT OF JUSTICE

28 CFR Parts 0, 45

[Order No. 832-79]

Implementation of the Financial Disclosure Requirements of Title II of the Ethics in Government Act of 1978

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Title II of the Ethics in Government Act of 1978, 92 Stat. 1836, provides that specified officers and employees of the Executive Branch must file financial disclosure reports. This order designates the Assistant Attorney General for Administration as the "designated agency official" for the purpose of administering the public disclosure provisions in Title II of the Act. It also identifies employees required to file reports and establishes a procedure for review of reports. The order further designates the Office of Legal Counsel to perform certain functions vested in the Attorney General by the Ethics in Government Act.

EFFECTIVE DATE: May 11, 1979.

FOR FURTHER INFORMATION CONTACT: John M. Harmon, Assistant Attorney General, Office of Legal Counsel (202-633-2041) or William J. Snider, Administrative Counsel (202-633-4165), Department of Justice, Washington, D.C. 20530.

By virtue of the authority vested in me by 28 U.S.C. 509 and 510; 5 U.S.C. 301, and the Ethics in Government Act of 1978, 92 Stat. 1824, it is hereby ordered as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

§ 0.25 [Amended]

1. Section 0.25 of Subpart E of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by redesignating paragraphs (m) as paragraph (o) and by adding the following new paragraph (m) and (n):

* * * * *

(m) Approving certain blind trusts, as required by section 202(f)(4)(B) of the Ethics in Government Act of 1978, 92 Stat. 1824.

(n) Consulting with the Director of the Office of Government Ethics regarding the development of policies, rules, regulations, procedures and forms relating to ethics and conflicts of interest, as required by section 402 of the Ethics in Government Act of 1978, 92 Stat. 1824.

* * * * *

2. Subpart 0 of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by redesignating § 0.78 as § 0.79 and adding the following new § 0.78:

§ 0.78 Implementation of financial disclosure requirements.

Subject to the general supervision of the Attorney General, and under the direction of the Associate Attorney General, the Assistant Attorney General for Administration shall serve as the designated agency official under Title II of the Ethics in Government Act of 1978, 92 Stat. 1836 for purposes of administering the public and confidential financial disclosure programs applicable to officers and employees of the Department of Justice. His duties shall include the following:

(a) Providing necessary report forms and other information to officers and employees of the Department;

(b) Developing and maintaining a list of positions covered by the public and confidential financial reporting requirements;

(c) Monitoring compliance by department officers and employees with applicable requirements for filing and review of financial disclosure reports;

(d) Providing for retention of reports and transmittal, where necessary, of copies of reports to the Director of the Office of Government Ethics;

(e) Establishing procedures for public access to reports filed under Title II of the Ethics in Government Act of 1978;

(f) Performing such other functions as may be necessary for the effective implementation of Title II of the Ethics in Government Act.

PART 45—STANDARDS OF CONDUCT

3. Part 45 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following § 45.735-27:

§ 45.735-27 Public financial disclosure requirements.

(a) *Persons required to file.* (1) Except as provided in paragraph (a)(2) of this section, the following persons must file a public financial disclosure report as required by Title II of the Ethics in Government Act of 1978:

(i) Each employee in the Department of Justice whose salary is fixed under subchapter II of chapter 53 of title 5, United States Code (the Executive Schedule);

(ii) Each employee whose position is classified at GS-16 or above of the General Schedule prescribed by 5 U.S.C. 5332 or whose salary is required by law to be established at the minimum rate of basic pay for level GS-16 or above of the General Schedule;

(iii) Each United States Attorney;

(iv) Each Assistant United States Attorney occupying a supervisory position whose optimum pay level is established at the equivalent of the minimum rate of basic pay for GS-16 or above and who is actually compensated at a rate of pay equal to or greater than the minimum rate of basic pay for GS-16.

(v) Each employee appointed pursuant to section 3105 of title 5, United States Code (Administrative Law Judges);

(vi) Each employee who is in a position which is excepted from the competitive service because it is of a confidential or policy-making character (Schedule C), as set forth in 5 CFR 213.3310, and who has a role in advising or making policy determinations with respect to agency programs or policies. Schedule C employees having policy-making roles, such as Special Assistants to the head of a division, must file a report under this provision, but Schedule C employees who do not have a policy role, such as chauffeurs, private secretaries, and stenographers, need not;

(vii) Any other employee (other than an Assistant United States Attorney or an employee compensated under the General Schedule), including a special government employee, paid at a rate equal to or greater than the minimum rate of basic pay established for level GS-16 of the General Schedule; and

(viii) Any person nominated by the President to a position described in paragraphs (a)(1) (i)-(vii) of this section appointment to which requires the advice and consent of the Senate.

(2) An employee identified in paragraph (a)(1) of this section who is retained, designated, appointed or employed to perform services on all or part of 60 or fewer days in a calendar year is not required to file a public financial disclosure report. However, an employee who was initially expected to perform services on 60 or fewer days but who thereafter performs services on more than 60 days in a calendar year must immediately comply with the public disclosure requirements as if he had been covered by those requirements as of the date of his initial retention, designation, appointment, or employment.

(b) *Time of filing.* (1) Each employee described in paragraph (a) of this section must file a report: (i) Within 30 days of assuming his position, unless he has left another position in the Executive Branch covered by the public disclosure requirements; (ii) annually, on or before May 15, covering the preceding calendar year; and (iii) within 30 days of leaving his position, unless he accepts another position in the Executive Branch covered by the public disclosure requirements.

(2) The reviewing official designated in paragraph (d) of this section may, for good cause, extend the deadline for filing reports identified in paragraph, (a)(1) of this section for up to 20 days. The reviewing official may grant an

extension of up to 15 additional days if the employee submits in writing reasons which establish good cause for an extension. Any further extension must be approved by the Director of the Office of Government Ethics.

(3) A person nominated to a position appointment to which requires the advice and consent of the Senate must file his report within 5 days of the transmittal of his nomination to the Senate by the President.

(4) The Assistant Attorney General for Administration and an employee in or nominee to a position appointment to which requires the advice and consent of the Senate shall furnish a copy of his report to the Director of the Office of Government Ethics at the time he files the original report with the appropriate reviewing official.

(c) *Approvals by Director of the Office of Government Ethics.* A publicly available waiver permitting the omission of information pertaining to certain gifts under section 202(a)(2) of the Act and the approval of blind trusts under section 202(f)(3)(D) of the Act may only be granted by the Director of the Office of Government Ethics.

(d) *Identification of reviewing officials.* (1) Reports filed by employees described in paragraph (a) of this section shall be filed with and reviewed by the following officials:

(i) The Associate Attorney General shall review reports filed by the Attorney General and any employee in the Office of the Attorney General;

(ii) The Attorney General shall review reports filed by the Deputy Attorney General, Associate Attorney General, Solicitor General, and Director of the Federal Bureau of Investigation;

(iii) Except as provided above, the Deputy Attorney General shall review reports filed by the head of each division under his supervision;

(iv) The Associate Attorney General shall review reports filed by the head of each division not included in paragraph (d)(1)(iii) of this section;

(v) The Director of the Executive Office for United States Attorneys shall review reports filed by United States Attorneys and Assistant United States Attorneys;

(vi) Except as provided above, the head of each division shall review reports filed by employees of that division.

(2) The function of reviewing reports under subdivisions (iii)–(vi) of paragraph (d)(1) of this section may be delegated to an Associate Deputy Attorney General, Deputy Associate Attorney General, or deputy, associate, or assistant head of a division, as the case may be.

(3) The report filed by a person nominated to a position appointment to which requires the advice and consent of the Senate shall be filed with and reviewed by the official designated in paragraph (d)(1) of this section as having responsibility for reviewing reports filed by the incumbent in the position.

(4) Each reviewing official is responsible for ensuring that reports required to be filed with him are filed in a complete and timely manner.

(e) *Review procedure.* (1) Each reviewing official shall endeavor to review each report filed with him within 15 days of receiving it (and shall review the report within 60 days of receipt) to determine whether, on the basis of information contained in the report, the reporting individual is in compliance with applicable laws and regulations governing conflicts of interest and apparent conflicts of interest.

(2) If the reviewing official believes additional information is required to be submitted, he shall notify the individual and inform him of the date on which the additional information must be submitted.

(3) If, on the basis of information contained in the report, the reviewing official is of the opinion that the reporting individual is in compliance with applicable laws and regulations, he shall sign the report and forward it to the Assistant Attorney for Administration. The reviewing official shall retain a copy of the report.

(4) If, on the basis of information contained in the report, the reviewing official believes that the reporting individual is not in compliance with applicable laws and regulations, he shall notify the individual, state what remedial action he believes is appropriate, and afford the reporting individual a reasonable opportunity to submit an oral or written response.

(5) If, after considering the reporting individual's response, the reviewing official concludes that the reporting individual is not in compliance with applicable laws and regulations and that the reporting individual has not taken adequate measures to come into compliance, the reviewing official shall refer the matter to the Associate Attorney General (or if referral to the Associate Attorney General is inappropriate, to the Deputy Attorney General) with his recommendation regarding remedial action to be taken.

(6) After such investigation as he deems appropriate, the Associate Attorney General shall direct remedial action or refer the matter to the Attorney General, Deputy Attorney General, or Solicitor General for appropriate action, including possible referral to the President if the situation involves an employee in a position appointment to which requires the advice and consent of the Senate.

(7) Remedial action under this subsection may include, but is not limited to:

(i) Divestiture;

(ii) Restitution;

(iii) Establishment of a blind trust;

(iv) Request for exemption under 18 U.S.C. 208(b); or

(v) Disqualification, transfer, reassignment, limitation of duties, or discharge.

(8) When satisfactory measures have been taken to resolve any problems identified in the review process, the reviewing official or the official ordering remedial action shall sign the report with such notations and comments as may be appropriate.

(f) *Public availability of report.* (1) The Assistant Attorney General for Administration shall provide for the inspection of a report by, or the furnishing of a copy of a report to, any person upon request within 15 days after the report is filed with the appropriate reviewing official.

(2) If the Assistant Attorney General for Administration has not yet received the report, signed by the reviewing official, which a member of the public has requested to inspect or copy, the Assistant Attorney General for Administration shall request the reviewing official to ensure that the report is immediately made available for inspection or copying.

Dated: May 11, 1979.

Griffin B. Bell,

Attorney General.

[FR Doc. 79-16128 Filed 5-22-79; 8:45 am]

BILLING CODE 4410-01-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 302

Final Rule With Respect To Filing of Claims to Cable Royalty Fees

AGENCY: Copyright Royalty Tribunal.

ACTION: Final Rule.

SUMMARY: The Copyright Royalty Tribunal adopts a supplementary rule prescribing requirements whereby persons claiming to be entitled to compulsory license copyright fees for secondary transmissions by cable systems shall file claims with the

Tribunal. The rule prescribes the content and time of filing of such claims. The rule is necessary to implement provisions of the Act for General Revision of the Copyright Law enacted in 1976.

EFFECTIVE DATE: The rule is effective May 23, 1979.

FOR FURTHER INFORMATION CONTACT: Douglas Coulter, Chairman, Copyright Royalty Tribunal, 202-653-5175.

SUPPLEMENTARY INFORMATION:

Background

In the **Federal Register** of April 4, 1979 (44 FR 20220) the Copyright Royalty Tribunal published a notice of proposed rulemaking concerning the filing and supplementary filing of claims to royalty fees for secondary transmissions by cable systems pursuant to 17 U.S.C. 111(d)(5)(A). The comments and reply comments received in response to the notice are summarized below.

The Proposed Rule

The proposed rule requires that all claimants to compulsory license copyright fees for secondary transmissions by cable systems who filed claims for the first half of 1978 in July 1978 supplement those filings by the end of July 1979 with a percentage or dollar figure of the royalties the claimant feels entitled to an a justification for such percentage or dollar figures. The proposed rule also requires that claims filed in July 1979 for the second half of 1978 consist of the minimal requirement in the July 1978 filings plus the supplemental information mentioned above: a percentage or dollar figure and a justification. In both cases, claimants may lump their claims together and file them jointly. Finally, the proposed rule defined the costs the Tribunal would deduct prior to the distribution or royalty fees as those which would not have been incurrred by the Tribunal but for the distribution proceeding.

Comments on the Proposal

The proposal of April 4, 1979, invited interested persons to submit written comments on or before April 25, 1979, and reply comments on or before May 9. A total of nine comments were received, and four reply comments.

Comments filed by representatives of the broadcast industry expressed concern that claimants might not have sufficient information to enable them to estimate a percentage or dollar figure with a justification. Therefore, they asked that the rule be modified so that, where appropriate, temporary waivers could be granted. CBS, Inc., in addition, noted that "the justifications furnished by the claimants would undoubtedly rest on almost as many theories as there are justifications," and rather than be subject to the proposed rule, "claimants should be asked to suggest distribution formulas for adoption by the Tribunal, and then to supply the information necessary to work the formulas."

The comments by the music performing rights societies supported the proposed rule, but asked that the justification be brief and not require detailed statistical support. In addition, BMI asked that the meaning of "percentage" be clarified. At present it might be construed to apply only to a sub-class of claimants.

Comments by the Commissioner of Baseball, the National Basketball Association, and the National Hockey League support the proposed rule but ask that it be modified to include a requirement for a listing of specific programs and television stations involved and the hours of programming. The National Basketball Association also asked that syndicated programs and feature films be identified as well as any deletions made according to the FCC syndicated exclusivity rules. This request was intended to resolve conflicts concerning program ownership. Both parties further asked that joint claims be accompanied by a "concise statement of authorization". The Commissioner of Baseball finally asked that the standard by which the costs of distribution proceedings would be deducted be further clarified.

Reply Comments

The comments filed in reply to the foregoing reiterated the original arguments. In addition, the Motion Picture Association of America and NAB stressed that negotiations are continuing between claimants and that a distribution agreement may possibly be arrived at without recourse to a proceeding before the Tribunal. They renewed their request for a waiver provision in the proposed rule so that the options open to the negotiators remain as flexible as possible.

PBS submitted a reply comment which, like the CBS, Inc. comment, proposed that instead of a figure and a justification, distribution formulas be submitted.

Tribunal's Response

The Tribunal has reviewed the arguments advanced in behalf of the proposed amendments, and accordingly §§ 302.5(b) and 302.6 of the proposed rule have been revised. The demands of the National Basketball Association and the Commissioner of Baseball to require more detailed information were judged to be inconsistent with the purpose of the proposed rule which is to "enable the Tribunal to establish simply and expeditiously if there is a controversy." Nor does the proposed rule preclude claimants from presenting other causes of a controversy, such as disputes over program ownership.

In response to the proposal advanced by CBS, Inc. and PBS, the Tribunal believes that a distribution formula a claimant wishes to propose could be used by the claimant to derive a percentage or dollar figure, and then serve as the justification.

To meet the concerns of the Motion Picture Associaton of America and the NAB, the Tribunal will keep abreast of developments and, if circumstances show it is in the public interest, may consider a waiver of the rule.

The percentage or dollar figure the Tribunal has in mind concerns the total compulsory copyright license fees deposited with the Copyright Office; not of any sub-category. This clarification is in response to comments by BMI.

Therefore, 37 CFR Chapter III Part 302 is amended by amending §§ 302.5(b) and 302.6 to read as follows, and by adding a new § 302.10.

§ 302.5 Supplemental filing.

(a) During the month of July 1979 those persons who filed claims pursuant to § 302.2 for secondary transmissions during the period January 1 through June 30, 1978, shall make a supplemental filing, which shall include:

(1) A percentage or dollar figure of the compulsory copyright license fees the claimant feels entitled to.

(2) A justification for such percentage or dollar figure.

(b) For the purposes of this supplemental filing claimants may lump their claims together and file them jointly through a designated common agent. Such joint filing need not contain a separate entitlement claim or justification for each individual claimant. A joint claim shall include a concise statement of the authorization for the filing of the joint claim.

§ 302.6 Filing of claims to cable royalty fees for secondary transmissions during the period July 1 through December 31, 1978.

During the month of July 1979, any person claiming to be entitled to compulsory license fees for secondary transmissions during the period July 1 through December 31, 1978, shall file in the offices of the Copyright Royalty Tribunal a claim to such fees. No royalty

fees shall be distributed to copyright owners for secondary transmissions during the above period unless such owner has filed a claim to such fees during July 1979. For purposes of this clause claimants may lump their claims together and file them jointly through a designated common agent. Such joint filing need not contain a separate entitlement claim or justification for each individual claimant. A joint claim shall include a concise statement of the authorization for the filing of the joint claim. Such filing shall include:

(a) The full legal name of the person or entity claiming compulsory license fees.

(b) The full address, including a specific number and street name or rural route, of the place of business of the person or entity.

(c) A general statement of the nature of the copyrighted works, whose secondary transmissions provides the basis of the claim.

(d) Identification of at least one secondary transmission establishing a basis for the claim.

(e) A percentage or dollar figure of the compulsory copyright license fees the claimant feels entitled to.

(f) A justification for such percentage or dollar figure.

§ 302.10 Deduction of costs of distribution proceedings.

In compliance with 17 U.S.C. 111(d)(5)(c) and 17 U.S.C. 807, before any distributions are made pursuant to 17 U.S.C. 111, the Copyright Royalty Tribunal will deduct all costs which would not have been incurred by the Tribunal but for the distribution proceeding.

Douglas Coulter,

Chairman, Copyright Royalty Tribunal.

[FR Doc. 79-16048 Filed 5-22-79; 8:45 am]

BILLING CODE 1410-1-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order

[CA-566]

California; Transfer of Jurisdiction, Addition to Six Rivers National Forest

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This order reserves as a part of, and adds to, the Six Rivers National Forest, 40.16 acres of public land.

EFFECTIVE DATE: May 23, 1979.

FOR FURTHER INFORMATION CONTACT: Louis Bellesi—202-343-8731.

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751 (43 U.S.C. 1714), it is ordered as follows:

1. Subject to valid existing rights, the following described tract of land which, except for the minerals therein, was acquired in 1970 in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315g, 1970 ed.), is hereby reserved as a part of, and added to, the Six Rivers National Forest:

Six Rivers National Forest

Humboldt Meridian

T. 3 S., R. 7 E.,
Sec. 16, Lot 2.
Containing 40.16 acres in Trinity County.

2. Subject to valid existing rights, the above described land, to the extent that the ownership thereof is vested in the United States, shall hereafter be administered by the Secretary of Agriculture subject to, and in accordance with, all laws and regulations applicable to the Six Rivers National Forest.

Guy R. Martin,

Assistant Secretary of the Interior.

May 16, 1979.

[FR Doc. 79-16127 Filed 5-22-79; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL MARITIME COMMISSION

46 CFR Part 544

[General Order 41]

Financial Responsibility for Water Pollution Outer Continental Shelf; Approval of Reporting Requirements

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: General Order 41 requires persons who own and operate vessels carrying oil from offshore facilities above the Outer Continental Shelf to demonstrate that they are financially able to meet liabilities for damages and removal costs resulting from discharges of oil. The Commission is amending General Order 41 to reflect an extension of existing General Accounting Office clearance for the reporting requirements contained therein in accordance with GAO regulations.

EFFECTIVE DATE: May 23, 1979.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: 44 USC 3512 requires the General Accounting Office to review certain collections of information from 10 or more persons undertaken by independent Federal regulatory agencies.

On March 23, 1979, this Commission received clearance from the U.S. General Accounting Office for the reporting requirements contained in 46 CFR 544 (General Order 41). Title 4 CFR, section 10.12, Notification of General Accounting Office Action, requires that notice of such clearance appear in the agency's regulations. Accordingly, Part 544 of Title 46 CFR is amended by adding the following paragraph immediately after the AUTHORITY citation:

The reporting requirements contained in sections 544.6(c), 544.6(d), 544.7, 544.8(b)(3)(i), 544.8(b)(3)(ii), 544.8(b)(3)(iii), 544.8(b)(3)(iv), 544.8(b)(3)(vi), 544.8(b)(4), 544.9(d), 544.11(d), 544.12(f), and 544.14, have been approved by the U.S. General Accounting Office under number B-180233 (R0627).

Effective Date. Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective May 23, 1979.

By the Commission

Francis C. Hurney,

Secretary.

[FR Doc. 79-16043 Filed 5-22-79; 8:45 am]

BILLING CODE 6730-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order 1380]

Chesapeake & Ohio Railway Co. Authorized To Operate Over Tracks of Consolidated Rail Corp.

AGENCY: Interstate Commerce Commission

ACTION: Emergency Order, Service Order No. 1380.

SUMMARY: Service Order No. 1380 authorized The Chesapeake and Ohio Railways Company to operate over tracks of Consolidated Rail Corporation in and near Buffalo, New York, in order to gain access to The Baltimore and Ohio Railroad Company's yard in Buffalo.

DATES: Effective 11:59 p.m., May 18, 1979. Expires when modified or vacated by order of this Commission.

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

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

Decided: May 17, 1979.

The Chesapeake and Ohio Railway Company (C&O) operates its trains between Suspension Bridge, Niagara Falls, New York, and Bison Yard, East Buffalo, New York, and between International Bridge, Black Rock, New York, and Bison Yard over tracks of Consolidated Rail Corporation (CR). C&O and CR have entered into an agreement in which CR grants the C&O trackage rights over additional tracks in the Buffalo, New York, area. The additional trackage rights will give C&O the ability to operate its trains to and from the Baltimore and Ohio Railroad Company's (B&O) yard in Buffalo.

These new trackage rights will improve transit time on traffic to and from industries in Buffalo, and on traffic moving through Buffalo by avoiding delays in Bison Yard. Car utilization will be improved by faster movement of empty cars between the C&O and the B&O.

C&O will file an application with the Commission for trackage rights over these tracks of CR. C&O will be permitted to use these trackage rights for bridge rights only and will not perform any local freight service at any point on this trackage.

It is the opinion of the Commission that an emergency exists requiring operation of C&O trains over these tracks of CR in the interest of the public; that notice and puplic procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1380 Service Order No. 1380.

(a) *The Chesapeake and Ohio Railway Company Authorized to operate over tracks of Consolidated Rail Corporation.* The Chesapeake and Ohio Railway Company (C&O) is authorized to operate over tracks of Consolidated Rail Corporation (CR) between the following locations:

(1) Between Suspension Bridge, New York (CP85) and Main Street, Buffalo, New York, a distance of 19.89 miles:

(2) Between International Bridge, Black Rock, New York, and Main Street, Buffalo, New York, a distance of 5.08 miles:

(3) Between Main Street, Buffalo, New York, and the Baltimore and Ohio Railroad Company's Buffalo Creek Yard, via Warwick Avenue, East Buffalo, and the City Branch, a distance of 8.27 miles:

(4) Between Suspension Bridge, New York, (CP85) and CP "I" near Black Rock, New York, a distance of 19.87 miles:

(5) Between Black Rock, New York (CP55) and "FW", via the Niagara Branch and CP "F", including the connection to International Bridge at CP "F", a distance of 7.33 miles:

(6) Between International Bridge, Black Rock, New York, and "CP49" via CP "I" and the Belt Line Branch, a distance of 8.25 miles:

(7) Between Warwick Avenue, Buffalo, New York, and "FW" via "IQ", a distance of 4.35 miles:

(8) Between East Buffalo, New York, and "FW" via a connection at East Buffalo, a distance of approximately 2.17 miles.

C&O is authorized to use these trackage rights only as bridge rights and is not authorized to perform any local freight service at any point on this trackage.

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

(c) Nothing herein shall be considered as a prejudgement of the application of C&O seeking authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 11:59 p.m., May 18, 1979.

(e) *Expiration.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

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

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

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

H. G. Homme, Jr.,

Secretary.

FR Doc. 79-16171 Filed 5-22-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

National Bison Range and Satellite Areas; Sport Fishing Regulations

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

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to sport fishing of National Bison Range and Satellite Areas, is compatible with the objectives for which the area was established, will utilize renewable natural resources, and will provide additional recreational opportunity to the public.

EFFECTIVE DATE: June 15, 1979.

FOR FURTHER INFORMATION CONTACT: Robert C. Brown, Refuge Manager, National Bison Range, Moiese, Montana, 59824, (404) 644-2345.

The following special regulations apply:

§ 33.5 Special regulations: Sport fishing for individual wildlife refuge areas.

Montana

National Bison Range

Sport fishing on the National Bison Range, Moiese, Montana, is only permitted along the portions of the Jacoko River as posted. These open areas are delineated on maps available at refuge headquarters, one-half mile east of Moiese, Montana. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1979.

Ninepipe National Wildlife Refuge

(Headquarters National Bison Range, Moiese, Mont.)

Sport fishing is permitted in accordance with special regulations. Entire refuge is open from July 15, until beginning of waterfowl hunting season, and before July 15, on west and north

shore lines from picnic area to Allentown bridge, except central portion of north shore (nine-tenths of a mile), as posted. Entire refuge is closed during migratory waterfowl hunting season. Ice fishing is permitted after the closure of waterfowl hunting season until March 1. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1979.

Special Regulations: Ninepipe National Wildlife Refuge

1. Off shore islands are closed to fishing and trespass.
2. Use of boats is prohibited.
3. Vehicles must be parked at designated areas.
4. Motorized travel on the ice is prohibited.
5. No ice fishing shelters may be left overnight.

Pablo National Wildlife Refuge

(Headquarters National Bison Range, Moiese, Mont.)

Sport fishing is closed on Pablo Reservoir during the migratory waterfowl hunting season. It is open during the balance of the year, in accordance with special regulations, on the north and east shore lines from inlet canal to south end of dam as posted. Ice fishing is permitted after the closing of the waterfowl hunting season. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1979.

Special Regulations: Pablo National Wildlife Refuge

1. Off shore islands are closed to fishing and trespass.
2. Use of boats is prohibited.
3. Vehicles must be parked at designated areas.
4. Motorized travel on the ice is prohibited.
5. No ice fishing shelters may be left overnight.

Northwest Montana Waterfowl Production Areas

(Headquarters National Bison Range, Moiese, Mont.)

Flathead Lake Waterfowl Production Area and Smith Lake Waterfowl. Production Area are open to sport fishing in accordance with all applicable State regulations. Fishing from shore is prohibited from March 1, to July 15, on lands within the boundary of posted Waterfowl Production Areas. All islands at the mouth of the Flathead River are closed to trespass except during the waterfowl hunting season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1979.

Special Regulations: Northwest Montana Waterfowl Production Areas

1. Vehicle travel is permitted only on designated roads and parking areas.

Swan River National Wildlife Refuge

(Headquarters National Bison Range, Moiese, Mont.)

Sport fishing is permitted on those parts of the Swan River and Swan Lake which lie within the boundaries of Swan River National Wildlife Refuge. Fishing from shore within the refuge is prohibited from March 1, to July 15. Fishing will be in accordance with all applicable State regulations.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Robert C. Brown,

Refuge Manager, National Bison Range, Moiese, Mont. 59824.

May 11, 1979.

[FR Doc. 79-16157 Filed 5-22-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF ENERGY

10 CFR Part 205

Interpretations and Rulings; Indexes

AGENCY: Department of Energy.

ACTION: Notice of Indexes for Interpretations and Rulings.

SUMMARY: Attached are indexes to all interpretations and rulings issued by the General Counsel (or his delegate) of the Department of Energy or predecessor agencies through March 31, 1979.

FOR FURTHER INFORMATION CONTACT: Diane Stubbs, Office of the General Counsel, Department of Energy, 12th & Pennsylvania Avenue, N.W., Room 1121, Washington, D.C. 20461, (202) 566-9070.

SUPPLEMENTARY INFORMATION: Interpretations issued pursuant to 10 CFR Part 205, Subpart F are published from time to time in the **Federal Register** in accordance with editorial and classification criteria set forth in 42 FR 7923, February 8, 1977, as modified in 42 FR 46270, September 15, 1977. Interpretations have been published as indicated in the following table.

1974-1 through 1974-29: 42 FR 25648, May 18, 1977.
1975-1 through 1975-74: 42 FR 23722, May 10, 1977.
1976-1 through 1976-23: 42 FR 7923, February 8, 1977.
1976-24: 42 FR 10963, February 25, 1977.
1976-25: 42 FR 23722, May 10, 1977.
1977-1 through 1977-5: 42 FR 10963, February 25, 1977.
1977-6: 42 FR 17100, March 31, 1977.
1977-7 through 1977-16: 42 FR 31143, June 20, 1977.
1977-17 through 1977-21: 42 FR 39959, August 8, 1977.
1977-22 through 1977-27: 42 FR 41095, August 13, 1977.
1977-28 through 1977-33: 42 FR 46270, September 15, 1977.
1977-34 through 1977-38: 42 FR 54268, October 5, 1977.
1977-39 through 1977-44: 42 FR 61271, December 2, 1977.[1]
1977-45 through 1977-53: 42 FR 1479, January 10, 1978.
1978-1: 43 FR 5797, February 10, 1978.
1978-2 through 1978-5: 43 FR 12848, March 28, 1978.
1978-6 through 1978-10: 43 FR 15617, April 14, 1978.
1978-11 through 1978-21: 43 FR 19817, May 9, 1978.
1978-22 through 1978-28: 43 FR 25079, June 9, 1978.
1978-29 through 1978-42: 43 FR 29528, July 10, 1978.[2]
1978-43 through 1978-47: 43 FR 34433, August 4, 1978.
1978-48 through 1978-56: 43 FR 40200, September 11, 1978.
1978-57 through 1978-59: 43 FR 46517, October 10, 1978.[3]
1978-60: 43 FR 51755, November 7, 1978.
1978-61: 43 FR 57583, December 8, 1978.
1978-62 and 1978-63: 44 FR 3021, January 15, 1979.
1979-01 and 1979-02: 44 FR 12160, March 6, 1979.
1979-03 and 1979-04: 44 FR 16891, March 20, 1979.

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[1] (Correction Notice) 1977-42: 43 FR 64104, December 22, 1977.

[2] (Correction Notice) 1978-35: 43 FR 57583, December 8, 1978.

[3] (Correction Notice) 1978-58: 43 FR 46517, November 7, 1978.

1979-05: 44 FR 24045, April 24, 1979.

The appendices to today's notice provide an updated comprehensive index system covering all of the published interpretations and rulings issued by FEO/FEA/DOE through March 31, 1979. Previously published indexes have appeared at 43 FR 1613, January 11, 1978, 43 FR 17337, April 24, 1978, and 43 FR 49775, October 25, 1978. A total of 309 interpretations and rulings are covered by the indexes published today.

Appendix A provides an alphabetical listing of the firms or persons to whom or on whose behalf interpretations have been issued, while Appendix B lists rulings in chronological order of issuance by number and title. Appendix C contains an index of interpretations and rulings according to informal subject entries, such as "Base Period Supplier," "Class of Purchaser," "Stripper Well Lease Exemption," etc. Interpretations and rulings are indexed in Appendix D according to the regulation sections which they interpret. Appendix E provides an index of rulings construed by interpretations, and Appendix F contains a list of statutes construed by interpretations and rulings.

Interpretations depend for their authority on the accuracy of the factual statement used as a basis for the interpretation (10 CFR 205.84(a)(2)), and may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom interpretations are addressed and other persons upon whom interpretations are served are entitled to rely on them (§ 205.85(c)). An interpretation is modified by a subsequent amendment to the regulation(s) or ruling(s) interpreted to the extent that the interpretation is inconsistent with the amended regulation(s) or ruling(s) (§ 205.85(e)). In addition, interpretations are subject to reconsideration by the General Counsel (§ 205.85(f)). The interpretations indexed herein have been published only for the general guidance in accordance with the reasons set forth in the FEA Notice first cited above.

Issued in Washington, D.C., May 15, 1979.

Everard A. Marseglia, Jr.,

Assistant General Counsel for Interpretations and Rulings.

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74–10—Changes in Credit Terms.
74–11—Current Free Market Price for "New" and "Released" Crude Oil Under the Price Rule of § 212.72.
74–12—Unrecouped Increased Product Costs Where Prices Charged Under Fixed-Price Contracts Are Less Than The Lawful Base Price.
74–13—Motor Gasoline Retail Sales Outlets.
74–14—Base Rent Regulations.
74–15—Portable Sanitation Industry.
74–16—Allowable Use of Multiple Allocation Fractions.
74–17—Base Price Computation.
74–18—Discounted May 15, 1973 Price to a Class of Purchaser.
74–19—Competitive Bids: Supplier/Purchaser Relationships.
74–20—Additional Use of Property Used in the Retailing of Gasoline.
74–21—Exchanges of Refined Petroleum Products for Crude Oil.
74–22—Supplier/Purchaser Relationships Applying to the Department of the Interior.
74–23—Car Wash Sales of Gasoline.
74–24—Truck Stop Leases.
74–25—Spot Sales Under Part 211.
74–26—Application of the Refiner's Cost Formula of § 212.83(c) to Refiners Required to Sell Crude Oil Under the Allocation Program.
74–27—Allocation of Refiner's Increased Product Costs to Sales Volume.
74–28—Inapplicability of the "Stripper Well Lease" Exemption of 10 CFR 210.32 to Gas Wells.
74–29—Production Wells for Purposes of the "Stripper Well Lease" Exemption of 10 CFR 210.32.
74–30—Measurement of the Number of Barrels of Production from an Oil Well for the "Stripper Well Lease" Exemption of 10 CFR 210.32.
75–1—Transportation Costs.
75–2—Application of the Term "Class of Purchaser" under FEA Petroleum Price Regulations.
75–3—Prospective Increases in Rent for Real Property Used in the Retailing of Gasoline.
75–4—Storage Tank Rentals.
75–5—Treatment of Confidential Information Received by FEA Pursuant to Oil and Gas Reserves Survey (Form FEA P–301–S–0).
75–6—Pricing of Natural Gas Liquid Products Prior to January 1, 1975.
75–7—Export Sales.
75–8—Qualification of Certain Consignees as Wholesale Purchaser-Resellers.
75–9—Storage Costs.
75–10—Transportation Costs Where Transportation is Provided by the Firm Concerned.
75–11—Rentals of New, Higher Cost Storage Tanks.
75–12—Calculation of "Average Daily Production" for Purposes of the Stripper Well Lease Exemption of 10 CFR 210.32 Where Production Has Been Curtailed.
75–13—Early Payment Percentage Discounts.
75–14—Prices Charged to Reflect Non-Product Cost Increases Incured by Resellers, Reseller-Retailers and Retailers.
75–15—Definition of "Property" for Purposes of Computing Base Production Control Level Pursuant to 10 CFR 212.72.
75–16—Carry-Forward of the Amount by Which Prices Charged are Less than the Price Increase Permitted to Reflect Increased Non-Product Costs by Resellers, Reseller-Retailers, and Retailers.
75–17—Application of FEA's Mandatory Petroleum Price and Allocation Regulations During September 1975.
75–18—Computation of Increased Cost of Natural Gas Shrinkage.

76-1—Allocations with Respect to Newly Constructed or Purchased Refineries Under Crude Oil Buy/Sell Program.
76-2—Production of "New" Crude Oil Due to Extra Day in February, 1976; Effect on Cumulative Deficiency Requirement and BPCL Adjustments.
76-3—Interpretation of Naval Petroleum Reserves Production Act of 1976.
76-4—Inapplicability of Mandatory Petroleum Allocation and Price Regulations to Synthetic Fuels Processed from Oil Shale, Tar Sands, and Coal.
76-5—Retail Sales Outlet Operator's Entitlement to Motor Gasoline.
76-6—Record Keeping Requirements.
77-1—Clarifications to Mandatory Petroleum Price Regulations Applicable to Domestic Crude Oil.
77-2—Further Clarifications to Mandatory Petroleum Price Regulations Applicable to Domestic Crude Oil.
77-3—Cargo Sales.
77-4—Timing of Landed Cost for Inter-affiliate Transactions.
77-5—Application of the Definition of "Transaction" for Purposes of Computing Weighted Average May 15, 1973, Prices.
77-6—Applicability of the Stripper Well Property Exemption to Properties that Produce Both Crude Oil and Condensate Recovered in Non-Associated Production.
77-7—Post-September 1, 1976 Treatment of Separate Reservoirs as Stripper Well Properties.
77-8—Termination of Crude Oil Supplier/Purchaser Relationships by a Producer.
79-1—Application of "Transaction" Definition to Variable-Price Contracts.

Appendix C.—*Subject Index for Interpretations and Rulings Issued Through Mar. 31, 1979*

Subject	Interpretations	Rulings
Accounting Practices	1978-52	
Acquisition Rule	1975-9; 978-18	
Affiliated Entities, def	1976-6	
Allocation Entitlement	1974-17; 1975-37	
Allocation Entitlement, Method of	1974-19	
Allocation Entitlement, Transfer of	1974-29; 1975-35; 1977-47	1974-13.
Allocation Fraction		1974-16.
Allocation Levels	1974-1	
Assignment by FEA	1976-25	
Average Daily Production, def	1974-22; 1975: -41, -43	
Aviation Fuel, Allocation of	1974-8	
Base Period Supplier	1974: -6, -15; 1975: -31, -73	
Base Period Supplier, Designation of	1974-21	
Base Period Supply Obligations	1974-25; 1976-11; 1977: -19, -20	1974-25.
Base Period Use, Adjustments to	1977: -28, -32; 1978-24	1974-13.
Base Period Volume	1975-50	
Base Price	1975-5	1974: -2, -17, -18, -26; 1975-6; 1977-5.
BPCL	1975-27; 1976-16; 1977: -12, -37; 1978-6; 1979-1.	1975-15; 1976-2; 1977-2.
Base Rent Rule	1974: -24, -28	1974: -7, -9, -14, -20, -24; 1975-3.
Base Rent Rule, Lease Termination	1975-58	
Benzene and Toluene, Special Rules for	1976-10	
Blending Costs, Retailer	1975-74	
Bonded Fuel, def	1975: -8, -26, -46	
Bonded Fuel Exemption	1975: -8, -26, -46	
Borrow—Pay Back Rule	1975-30	
Burning of Petroleum Products by Power Generators.	1975-25	
California lower tier crude oil	1978-48	
Certification	1977: -33, -52; 1978: -12, -24	
Class of Purchaser	1974-7; 1975: -5, -6, -22, -31, -47, -63; 1976: -1, -6 -7, -20; 1977: -10, -11; 1978-44.	1974: -1, -2, -17, -18; 1975-2.
Commission Agents or Consignees	1974-10; 1975: -13, -17, -19, -31, -33, -48; 1977: -8, -27.	1975-8.
Competitive Bids	1975-56	1974-19.
Condensate, def	1978-35	
Confidential Information		1975-5.
Cost of Crude Oil, def	1976-4	
Covered Products, def	1976-24; 1977: -9, -50; 1978: -11, -28, -54.	
Crude Oil Buy/Sell Program	1977-34; 1978-39	1974-26; 1976-1.
Crude Oil, def	1975-29; 1977: -3, -22; -31; 1979: -3, -4	
Crude Oil Resales	1978-25	
Crude Oil Runs to Stills, def	1978-31	
Crude Oil Ceiling Price Rules, Long-Term Contracts (Premiums).	1977: -2, -14; 1978-21	
Current Cumulative Deficiency	1974-8; 1976-16	1976-2.
Customary Discounts	1975-66	1974: -18, -23; 1975-13.
Customary Price Differential	1978-44	
D, Subpart; Part 212	1974-20; 1975-29; 1977-3; 1978-21	
December 1 Rule	1974: -2, -3, -4; 1975-45; 1976: -15, -20; 1977: -7, -13, -14, -15, -42; 1978: -1, -45.	1974: -11, -21, -22; 1977-8.
E, Subpart; Part 212	1978: -16, -29,-61; 1979-3	
EPAA Supercession of Other Federal Laws	1974-27; 1975-15	
End-user, def		1974-19.
Energy Conservation Program, Room Air Conditioners.	1978-26	
Entitlements Program	1975-21; 1976-22; 1977: -5, -22, -31, -45; 1978: -31, -42, -48; 1979-4.	1976-3.
Equal Application Rule	1975-5; 1976-17; 1978: -36, -53	
Exchange Agreements		1974-21.
Export sales, def	1977-16	
Export Sales Deduction	1975-21; 1977: -16, -30, -36, -44; 1978: -10, -42, -54, -55.	
Export Sales Exemption	1977-16, -21, -44; 1978: -10, -42	1975-7.
F, Subpart; Part 212	1976-6; 1977-3; 1978: -4, -63	1077-3.
Federal Preemption of State Laws	1978-4	
Field	1977-43	
Firm, def	1975: -3, -32, -52, -55, -69; 1976: -3, -8; 1977: -6, -18, -29; 1978: -62, -63; 1979-3.	

Appendix C.—*Subject Index for Interpretations and Rulings Issued Through Mar. 31, 1979*—Continued

Subject	Interpretations	Rulings
First Sale, def	1976-4; 1977-38 1078: -21, -63	
Five Percent Rule	1974-4; 1977-38 1978: -21, -63	
Five Percent Rule	1974-14; 1977: -6, -24	
G, Subpart; Part 212	1974: -24, -28; 1975-69	1974-24; 1975-3.
Guam	1975: -8, -26, -46	
Import Exemption	1975-24	
Inventories	1975-23	1977-3.
K, Subpart; Part 212	1976: -2, -5; 1977-3; 1978: -16, -29, -32, -61, -62, -63; 1979-3.	1975: -6, -18;.
Landed Costs		1977-4.
Lease Condensate, def	1970-4	
Motor Gasoline, def	1978-47	
Naphtha, def	1978-47	
Naphtha Allocation	1975-44	
Naval Petroleum Reserves, Crude Oil, Price Exemption.		1976-3.
Natural Gas Shrinkage	1978: -27, -34, -37, -41, -61, -62; 1979: -2 -3.	
Natural Gas Liquids, def	1978: -32, -35	
Natural Gas Liquids Products	1974-13; 1977-3; 1978: -3, -27	1975:-6, -18.
Natural Gasoline, def	1978-35	
Net-back Sale, def	1978-32	
New and Released Crude Oil	1975-2; 1977-42	1974-11.
New Item and New Market Rule	1974: -23, -24; 1975: -3, -9; 1976: -5, -7; 1978-3.	1974-20.
"New" Motor Gasoline Retail Sales Outlet	1975-61	1976-5.
"New" Wholesale Purchaser-Reseller	1975-57; 1977-28	
Non-product Cost Increases	1975: -48, -59, -74; 1978: -8, -13, -14, -52, -63.	1975: -1, -4, -10, -11, -14, -16.
Normal Business Practices	1974: -3, -16, -27; 1975: -49, -62; 1977: -8, -11, -19, -26, -35; 1978: -7, -21, -38, -56, -57; 1979-5.	1974: -6, -10, -11, -23; 1975: -4, -11, -13.
Oil Import Regulations		
Oil Import Regulations	1978-50	
Once-a-Month Rule	1975-64	
Over-recoupment	1975-12	
Passenger Transportation Services	1975-65	
Posted Price, def	1976-4; 1977: -26, -43; 1978: -17, -20, -30, -43.	1977-1.
Price, def		1974-10.
Price Increase	1977-53	
Price/Octane Number Information and Posting	1976-9	
Procedural Requirements	1975-40; 1976-12; 1977-28	
Processing Agreements	1974-6	
Producer, def	1974-20	
Producer of Crude Oil, Price Rule	1978-17	
Product Cost Increases	1974-5; 1978: -40, -51	1974: -5, -26, -27; 1975: 1-9, -10, -13, -18; 1977-3.
Product Cost Increases, Carryover of	1975-16	1974-12; 1975-16.
Propane Allocation	1975-14; 1976: -19, -21	
Propane Prices	1975-4	1974-5.
Property, def	1974-22; 1975: -2, -4, -27, -42; 1977: -1, -37, -42, -46, 1978: -5, -9, -15, -18, -58; 1979-1.	1975-15; 1977: -1, -2, -7.
Reclamation of Waste Crude Oil	78-18	
Record-Keeping Requirements		1976-6.
Refined Petroleum Products, def	1975-1; 1978-42	
Refiner, def	1974-13; 1976-2; 1977: -6, -29; 1978: -22, -33, -63; 1979-3.	
Refiner Gasoline Price Variation rules	1978: -36, -53	
Refiner Price Formula:		
"A" Factor	1978-40	
"B" Factor	1978-51	
"V" Factor	1975-7	1974-27; 1975-7
"H" Factor	1977-23	
"N" Factor	1978: -8, -13, -14, -52	
Refiner Price Rule	1977-53; 1978: -11, -13	1974-26.
Refinery Yield	1976-23	
Refunds	1975-12	
Rent, def	1975-51	
Rent Regulations (see also Base Rent Rule)	1975-69	1974: -7, -9, -14, -20, -24; 1975-3.
Reporting Requirements, Refiner	1975-11; 1977-24	
Reseller, def	1974-12; 1976-2; 1977: -3, -8, -29; 1978: -22, -63.	
Residual Fuel Oil, def	1975-29	
Retail Sales Outlets, Motor Gasoline	1974-13	
Retailer, def	1974-12; 1976-2; 1978-22	
Retaliatory Actions	1975-63	
Retroactive Price Increase	1977-14; 1978-2	
Sales by Federal, State and Local Government	1974-4; 1975-15	1974-22;1976-3.
Sanitation Services, def	1974-1; 1975-39	1974-15.
Seller, def	1976-8	
September 1975; Application of Price/Allocation Regulations during.		1975-17.
Single Firm Treatment		1974-13.
State Tax Increase Pass-through	1975-18	1974-4.
Storage Tank Rental		1975: -4, -11.
Stripper Well Lease Exemption	1974: -22, -26; 1975: -4, -10, -41, -43; 1977-48; 1978: -5, -9.	1974: -28, -29, -30; 1975-12; 1977: -1, -2, -6, -7.
Supplier, def	1976-23	

Appendix C.—*Subject Index for Interpretations and Rulings Issued Through Mar. 31, 1979*—Continued

Subject	Interpretations	Rulings
Supplier/Purchaser Relationship	1974: -17, -18, -19; 1975: -20, -54; 1976: -13, -14, -18; 1977: -20, -49; 1978: -23, -45, -46, -49, -56, -57, -59, -60.	1974: -3, -19; 1975-8.
Supplier Substitution	1976-25	
Surplus Product, Purchase of	1974-19; 1975-20; 1977-41	
Synbthetic Fuels		1976-4.
S.N.G. Feedstock Allocation	1975-34	
Temporary Discount on May 15, 1973	1976-6	
Transaction, def	1978-19	1977-5; 1979-1.
Transfer Pricing	1974-20	
Transportation Costs, def	1978-25	
Transportation Costs to Reseller/Retailer Inventory.	1977: -4, -51	1975: -1, -9 -10.
Transportation Cost, Refiner	1977-25	
United States, def	1975: -8, -26, -46	
Unitization	1974-22; 1975: -2, -4, -10, -27; 1978: -6, -9.	1975-15; 1977-2.
Unleaded Gasoline	1976-3	
Waste Crude Oil, Reclamation of	1974: -11, -20; 1977-22	
Wholesale Purchaser-Consumer def	1975: -37, -52	1974-19.
Wholesale Purchaser-Reseller, def	1974: -10, -12; 1975: -13, -17, -19, -33, -37, -38, -53, -60, -67, -68, -70, -71, -72; 1977: -17, -27, -39, -40; 1978: -46, -59.	1975-8.

Appendix D.—*Regulation Index for Interpretations and Rulings Issued Through Mar. 31, 1979**

Regulation interpreted	Interpretations	Rulings
Part 202, Subpart A		1975-5.
205.2	1976-12; 1977-28	
205.26(d)	1975-40	
205.33(a)	1976-12; 1977-28	
205.194	1975-12	
210.21	1975: -8, -26, -46; 1977-5	
210.32	1974: -22, -26; 1975: -4, -10, -41, -43	1974: -28, -29, -30; 1975-12; 1977-1.
210.33	1975: -8, -26, -46	
210.61	1975-63	1974-3.
210.62	1974: -3, -27; 1975-49; 1977: -8, -19, -26; 1978: -7, -21, -38.	1974: -6, -10, -11; 1975: -4, -11, -13.
210.62(a)	1974-16; 1975: -62, -63; 1977-35; 1978: -56, -57; 1979-5.	
210.62(c)	1976-18; 1977-11	1974-23.
210.77	1975-51	
210.91	1977-24	
210.92		1976-6.
211.1(a)	1977-8	
211.9	1974: -15, -19; 1975: -58, -62; 1976-25; 1977: -19, -49; 1978: -46, -49, -59, -60.	1974: -3, -19.
211.9(a)	1974-18; 1975: -20, -54, -56, -73; 1977-8; 1978-23.	
211.9(c)	1977-20	
211.10	1975: -20, -56, -73	
211.10(a)	1975-35	
211.10(b)	1974-17	1974: -16, -25.
211.10(e)	1974-29	
211.10(g)	1974-19; 1976: -14, -21; 1977-41	
211.11	1974-17; 1975-61; 1976-19	
211.11(b)	1974-6	
211.11(d)	1975-35	
211.12	1975: -50, -57; 1976-11	
211.12(e)	1974-17; 1976-19; 1977: -28, -49; 1978-38.	1974-19.
211.12(f)		1974-19.
211.12(h)	1976-18	
211.12(g)	1976-21	
211.13	1975-50	
211.13(c)	1976-12; 1977: -28, -32; 1978: -24, -38	
211.13(f)	1977-28; 1978-24	
211.14(d)		1974: -3, -16.
211.22	1975-23	
211.24	1974-3	
211.24(a)	1974-25; 1976-11	
211.25	1975-31; 976-25; 1978-23	
211.25(a)	1977-20	
211.25(c)	1975-30	
211.29	1975-34; 1976-19	
Special Rule No. 1 to Subpart A of Part 211	5-34; 1976-19	
211.31	1977-8	
211.51 (Definitions)	See Corresponding Subject Entry, Appendix C.	See Corresponding Subject Entry, Appendix C.
211.62 Definitions)	See Corresponding Subject Entry, Appendix C.	See Corresponding Subject Entry, Appendix C.
211.63	1974: -2, -3, -4; 1975-45; 1976: -14, -20; 1977: -7, -13, -14, -15, -42; 1978: -1, -45.	1974: -21, -22; 1977-8.
211.64	1974: -2, -3	
211.64(a)		1974-11.

Appendix D.—*Regulation Index for Interpretations and Rulings Issued Through Mar. 31, 1979**—Continued

Regulation interpreted	Interpretations	Rulings
211.65	1974-6; 1977-34; 1978-39	1976-1.
211.67	1977: -5, -22, -31; 1978-31; 1979-4	1976-3.
211.67(a)(4)	1978-48	
211.67(d)(2)	1975-22; 1976-22; 1977: -16, -30, -36, -44; 1978: -10, -42, -54, -55.	
211.67(d)(5)	1977-45	
211.71(c)	1976-23	
211.Special Rule No. 7 to Subpart C of Part 211	1976-22	
211.82	1976-21; 1978-49	
211.83	1975-14	
211.83(c)	1976-19	
211.85	1978-49	
211.86	1978-49	
211.96(b)	1977-49	
211.102	1975: -20, -73	
211.103	1975-65	
211.103(a)	1974-1	
211.104	1974-6	
211.106	1975: -58, -61, -73; 1976-11; 1977: -19, -47.	1974-13; 1976-13; 1976-5.
211.106(b)	1974: -12, -25	
211.106(c)	1974-29; 1975-53	
211.106(d)	1974-25	
211.106(e)	1975-57	
211.145	1971976-13	1974-8.
211.145(c)	1971974-21	
211.145(d)	1974-21	
211.162	1975-54	
211.166	1974-19	
211.182	1978-47	
211.183	1975-44	
211.201	1975-37	
211.202	1975-37	
211.203(c)(2)(iii)	1975-37	
212.1		1975-3.
212.2	1975-24	
212.31 (Definitions)	See Corresponding Subject Entry, Appendix C.	See Corresponding Subject Entry, Appendix C.
212.52	1974-4; 1975-15	
212.53	1975-24; 1976-22	1975-7.
212.53(a)	1977: -16, -21, -36, -44; 1978: -10, -55	
212.53(c)	1977-30	
212.54	1974: -22, -26; 1977: -2, -48; 1978: -5, -9, -58.	1977: -6, -7.
212.55	1977-2	1976-3.
212.71	1974-11	
212.72	1974: -8, -11; 1975: -2, -4, -27; 1976-16; 1977: -1, -3, -12, -33, -37, -38, -42, -46, -52; 1978: -5, -12, -15, -18, -58; 1979-1.	1977-7.
212.73	1974-11; 1975-42; 1977: -2, -3; 1978-20	
212.74	1974: -8, -11; 1975: -2, -4, -42; 1977: -2, -3; 1978: -2, -17, -20, -30, -43; 1979-1.	1974-11.
212.74(c)	1977-14	
212.75	1978-6	1977-2.
212.76		1976-2.
212.81	1977-29	
212.82	1975: -5, -47; 1976: -3, -4, -5; 1977: -6, -18.	1974: -17, -18.
212.82(a)	1976-1	
212.82(b)	1975: -22, -31	
212.83	1974-20; 1975: -3, -5, -7; 1976-10; 1977: -23, -53; 1978-16; 1979: -2, -3.	1974: -12, -26, -27; 1975: -6, -7, -13.
212.83(b)	1976-4	
212.83(c)	1978-40	
212.83(c)(1)(iii)		1974-5.
212.83(c)(2)(iii)(D)	1978-51	
212.83(c)(2)(iii)(E)	1978: -8, -11, -13, -14, -52	
212.83(e)	1975: -12, -16	
212.83(h)	1976-17; 1978: -36, -53	
212.84		1977-4.
212.85	1977-25	
212.88		1974-26.
212.91	1974-14; 1975: -3, -59; 1977: -3, -6, -24, -29; 1978-63.	
212.92	1975: -48, -74; 1976: -6, -8; 1977: -4, -51	1975: -1, -9, -10.
212.93	1974: -5, -6, -12; 1975: -6, -9, -18, -59, -74; 1976-6; 1977-4.	1974: -4, -17, -18, -26.
212.93(a)	1976-7; 1977-3	
212.93(b)	1975: -48, -54, -64	1975: -1, -10, -14, -16.
212.93(e)		1975-16
212.94	1978-39	1974-26.
212.101	1975-58	
212.102	1974-24; 1975: -51, -58	1974: -7, -9, -14, -20, -24; 1975-3.
212.103	1975-51	1974: -7, -9, -14, -20, -24; 1975-3.
212.111	1974: 23, -24; 1975: -3, -9; 1976: -5, -7; 1978-3.	1974-20.
212.111(c)(2)	1978-18	
212.112	1976-3	
212.126	1975-11	

Appendix D.—*Regulation Index for Interpretations and Rulings Issued Through Mar. 31, 1979**—Continued

Regulation interpreted	Interpretations	Rulings
212.129	1976-9	
212.131	1977: -33, -52	
212.131(a)(2)	1978-12	
212.161	1976-2; 1978: -61, -63; 1979-3	
212.161(b)(2)	1978-29	
212.162	1977-3; 1978: -3, -27, -33, -35, -37, -41, -61, -62, -63.	
212.163	1978: -32, -61, -63	
212.163(a)	1976-5; 1977-3	
212.164	1978: -29, -61, -653	
212.164(a)	1976-5	
212.165	1978-16	
212.166	1978-61	1975-18.
212.166(b)(3)	1978: -27, -37, -41, -62	
212.167(b)	1978: -16, -34; 1979-2	
212.168	1978-34; 1979-3	
212.169	1978-32	
212.170	1978-16	
212.182	1978-25	
212.183	1978-25	
212.35	1978-50	
212.3	1975-25	
212.5	1975-25	
10 CFR Part 430	1978-26	

* Regulations listed as cited in interpretations and rulings. No attempt has been made to change citations to reflect those relatively few cases in which regulations have been renumbered.

Appendix E.—*Rulings Construed by Interpretations Issued Through Mar. 31, 1979*

Rulings	Interpretations
1974-3	1975: 61, -62; 1976-25.
1974-4	1975-18.
1974-10	1974-16.
1974-11	1976-15.
1974-15	1975-39.
1974-17	1975-66.
1974-18	1975: -6, 66; 1976-20.
1974-19	1974-15; 1975: -52, -56.
1974-20	1974-24.
1974-22	1977-7.
1974-24	1974-28.
1974-29	1975: -41, -43.
1975-1	1975-74; 1977: -4, -51.
1975-2	1975: -22, -47, -63, -66; 1976: -1, -7, -20.
1975-4	1977-11; 1978-7.
1975-6	1979-2.
1975-8	1975: -33, -60, -67, -70, -71, -72; 1976-23; 1977: -17, -27, -39, -40.
1975-9	1975-74, 1977: -4, -51.
1975-1-	1977: -4, -51.
1975-11	1977-11; 1978-7.
1975-12	1975: -41, -43; 1977-48.
1975-14	1976-8.
1975-15	1975-42; 1978; -6, -9, -15; 1979-1.
1975-18	1978-62.
1977-1	1977: -1, -26, -37, -43; 1978-15; 1979-1.
1977-2	1978: -6, -15.
1977-5	1978-19.

Appendix F.—*Statutes Construed by Interpretations and Rulings Issued Through Mar. 31, 1979*

Statutes	Interpretations	Rulings
Economic Stabilization Act of 1970, as amended	17[975-12; 1976-24	
Energy Policy and Conservation Act of 1975, as amended.	1977: -7, -12, -22, -26, -38, -42; 1978-26	
Energy Supply and Environmental Coordination Act of 1974.		1975-5.
Emergency Petroleum Allocation Act of 1973, as amended.	1974: -6, -13, -22, -26, -27; 1975: -1, -5, -8, -12, -15, -56, -66; 1976: -4, -6, -12, -20, -21, -22, -23, -24; 1977: -3, -5, -7, -11, -28, -42; 1978: -1, -4, -51, -54.	1974: -3, -28; 1975-17; 1976-4; 1977-1.
Federal Energy Administration Act of 1974	1974-13	
Federal Energy Administration Act of 1974	1974-13	
Freedom of Information Act		1975-5.
Naval Petroleum Reserves Production Act of 1976.		1976-3.
Trans-Alaska Pipeline Authorization Act		1975-12; 1977-1.

[FR Doc 79-16160 Filed 4-18-79; 4:02 pm]

BILLING CODE 6450-01-M

Proposed Rules

Federal Register
Vol. 44, No. 101
Wednesday, May 23, 1979

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 923]

Sweet Cherries Grown in Designated Counties in Washington; Proposed Grade, Size, and Container Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes minimum grade, size, the container requirements applicable to sweet cherries, other than Rainier, Royal Anne and other light sweet cherries, grown in designated counties in the State of Washington. The requirements are designed to provide orderly marketing in the interest of producers and consumers.

DATES: Written comments must be received on or before June 13, 1979. Proposed effective dates: July 1, 1979, through June 30, 1980.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-557-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This notice of proposed regulation is issued under the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Washington Cherry Marketing Committee, and upon other information. This proposed regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

This proposed regulation is based upon an appraisal of the current and prospective market conditions for Washington sweet cherries. The committee estimates that 39,000 tons of sweet cherries will be available for fresh shipment during the 1979 season compared to actual shipment of 36,357 tons last season. The proposed regulation would become effective July 1, 1979, and the requirements are the same as currently in effect through June 30, 1979, under Cherry Regulation 17 (43 FR 21867, 28997).

Under the proposal, shipment of cherries, except those of the Rainier, Royal Anne and similar varieties commonly referred to as "light sweet cherries", would be required to grade Washington No. 1, except for a small increase in the tolerance for defects. The cherries would also be required to be 48/64 inch in diameter or larger in all containers, except for those in face-packed containers, 20-pound containers or larger, or experimental containers, for which the minimum size would be 54/64 inch. The proposed container requirements would specify the minimum amount of cherries, by weight, required in the various types of containers. Individual shipments of cherries up to 100 pounds sold for home use and not for resale would be exempted from the grade, size, and container requirements, if certain conditions are met to prevent their movement into commercial markets.

The proposed grade and size requirements are designed to ensure the shipment of ample supplies of cherries of the better grades and more desirable sizes in the interest of producers and consumers. Orderly marketing conditions would be maintained by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller-sized cherries when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed container requirements are designed to prevent deceptive packaging practices and to promote buyer confidence.

Such proposal reads as follows:

§ 923.318 Cherry Regulation 18.

Order. (a) *Grade and sizes.* During the period July 1, 1979, throught June 30, 1980, no handler, except as otherwise provided in paragraphs (b) and (c) of this section, any lot of cherries, except cherries of the Rainier, Royal Anne and similar varieties commonly referred to as "light sweet cherries", unless such cherries meet each of the following applicable requirements:

(1) Washington No. 1 grade except that the following tolerances, by count, of the cherries in the lot shall apply in lieu of the tolerances for defects provided in the Washington State Standards for Grades of Sweet Cherries:

(i) A total of 10 percent for defects including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than one percent, by count, of the cherries in the lot, for cherries affected by decay: *Provided,* That the contents of individual packages in the lot are not limited as to the percentage of defects by the total of the defects of the entire lot shall be within the tolerances specified.

(2) At least 95 percent, by count, of the cherries in the lot shall measure not less than 48/64 inch in diameter, except as hereinafter provided in paragraph (b)(2)(ii) and subparagraph (3) of this paragraph.

(3) At least 90 percent, by count, of the cherries in any lot of face-packed containers or any containers of 20 pounds, net weight, or more shall measure not less than 54/64 inch in diameter and not more than 5 percent, by count, of such cherries may be less than 48/64 inch in diameter.

(b) *Containers.* During the period July 1, 1979, through June 30, 1980, no handler shall handle any lot of cherries, except cherries of the Rainer, Royal Anne, and similar varieties commonly referred to as "light sweet cherries", unless such cherries are in containers which meet each of the following applicable requirements:

(1) The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches shall not be less than 20 pounds; and all containers of cherries shall contain at least 12 pounds, net weight, of cherries.

(2) Subject to the provisions of subdivisions (i) and (ii) of this subparagraph shipments of cherries may be handled in such experimental

containers as have been approved by the Washington Cherry Marketing Committee:

(i) All shipments handled in such containers shall be under the supervision of the committee; and

(ii) At least 90 percent, by count, of the cherries in any lot of such containers shall measure not less than 5/64 inch in diameter, and not more than 5 percent, by count, of such cherries may be less than 4/64 inch in diameter.

(c) *Exceptions.* Nothwithstanding any other provisions of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraphs (a) and (b) of this section, and of §§ 923.41 and 923.55:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(d) *Definitions.* When used herein, "Washington No. 1" and "diameter" shall have the same meaning as when used in the Washington State Standards for Grades of Sweet Cherries (Order 1550 effective April 29, 1978, WAC 16-414-050); "face-packed" means that cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Dated: May 18, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-16197 Filed 5-22-79; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

[7 CFR Part 1464]

Tobacco Loan Program; Proposed 1979 Corp Grade Loan Rates—Flue-Cured Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposal would establish the loan rates to be applied to the various grades of 1979-crop flue-cured tobacco so as to provide the level of price support required by the Agricultural Act of 1949, as amended. Eligible flue-cured tobacco could be delivered for price support at the specified rates.

DATES: Written comments must be received by June 22, 1979, in order to be sure of consideration.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: R.L. Tarczy, (202) 446-7601.

SUPPLEMENTARY INFORMATION: Section 106 of the Agricultural Act of 1949 as amended ("the Act"), requires that the 1979 crop of flue-cured tobacco be supported at the level of 129.3 cents per pound. It is expected that price support will be provided through loans to a producers' cooperative marketing association which would receive eligible tobacco from producers and make price support advances to the producers, through auction warehouses, for the tobacco received as collateral. Price support advances would be based on the proposed loan rates for each grade, which would average the required level of support when weighted by the anticipated grade percentages, in accordance with section 403 of the Act. Price support advances to producers would be the amounts determined by multiplying the pounds of each grade received by the applicable loan rate for that grade less 1 cent per pound, which the producers' association is authorized to deduct and apply against its overhead costs.

The proposed rates, calculated to provide the level of support of 129.3 cents per pound as determined under Section 106 of the Act, are set below.

Proposed Rule

Accordingly, it is proposed that 7 CFR Part 1464 be amended by revising § 1464.16 to read as follows effective for the 1979 crop of flue-cured tobacco, types 11-14.

§ 1464.16 1979 crop Flue-cured tobacco, types 11-14, loan schedule.,

[Dollars per hundred pound, farm sales weight]

Grade	Loan rate	Grade	Loan rate	Grade	Loan rate
A1F	167	B3KL	136	H1F	159
A1L	167	B4KL	132	H2F	155
		B5KL	126	H3F	152
B1L	157	B6KL	118	H4F	149
B2L	153			H5F	143
B3L	150	B3KF	136	H6F	138
B4L	146	B4KF	132		
B5L	140	B5KF	126	H4FR	146
B6L	134	B6KF	118	H5FR	140
B1F	157	B3KM	139		
B2F	153	B4KM	136	H4K	140
B3F	150	B5KM	131	H5K	136
B4F	146	B6KM	120	H6K	129
B5L	140				
B6L	134	B3KR	142	C1L	158
		B4KR	138	C2L	155
B1FR	155	B5KR	132	C3L	152
B2FR	151			C4L	148
B3FR	148	B4KV	127	C5L	143
B4FR	145	B5KV	121		
B5FR	139	B6KV	114	C1F	158
B6FR	133			C2F	155
		B4G	125	C3F	152
B4R	133	B5G	120	C4F	148
B5R	124	B6G	113	C5F	143
B3K	144	B5GR	105	C4V	137
B4K	140			C4S	135
B5K	133	B4GK	120		
B6K	126	B5GK	116	C4KL	134
		B6GK	110	C4KM	136
B3V	139			C4KR	140
B4V	134	B5GG	105		
B5V	129			C4G	127
		H3L	152	C4GK	124
B3S	136	H4L	149		
B4S	132	H5L	143		
B5S	125	H6L	138		
X1L	153	X3KM	130	M4KM	115
X2L	149	X4KM	124	M5KM	110
X3L	144				
X4L	134	X4G	116	M4GK	110
X5L	124	X5G	110	M5GK	105
		X4GK	113		
X1F	153			N1L	81
X2F	149	P2L	112	N1XL	94
X3F	144	P3L	105	N1K	101
X4F	134	P4L	96	N1R	91
X5F	124	P5L	89	N1GL	75
X3V	134	P2F	112	N1GF	92
X4V	128	P3F	105	N1GR	87
		P4F	96	N1KV	91
X3S	132	P5F	89	N1GG	84
X4KL	123	P4G	86	N1BO	84
X4KF	123	P5G	79	N1XO	62
				N1PO	70
X4KV	116	M4F	124		
X3KR	136	M5F	119		
X4KR	131	M4KR	117		

[1] The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety—Limited Support." Rates for eligibile tobacco identified by a marketing card, which bears the notation "Discount Variety—Limited Support," are 50 percent of the loan rates listed plus fifty cents ($0.50) per hundred pounds. Any grade to which the special factor "sand" or "dirt" is added (denoting a moderate amount of sand or dirt in excess of normal) may be accepted at 90 percent, rounded to the nearest dollar, of the loan rate listed. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2", "No-G", "No-G-F", "No G-F-sand", "No G-F-dirt", or "scrap" will not be accepted. Tobacco is eligible for advance only if consigned by the original producer. The cooperative association through which advances are made available is authorized to deduct 1 cent per pound to apply against overhead costs.

Prior to making any determination, the Department will give consideration to comments, views and recommendations submitted in writing to the Director, Price Support and Loan Division.

All written submission will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday in Room 3741-South Building, USDA, 14th and Independence Avenue, SW, Washington, D.C. 20013.

The Department's procedures for implementing Executive Order 12044 (43 FR 12661, Mar. 24, 1978) require at least a 60-day public comment period for all regulations except where an emergency exists which necessitaties a shorter comment period. Because the grade loan rates for the 1970–80 marketing year for flue-cured tobacco must be announced prior to the markets opening in early July, I have determined that compliance with the 60-day comment period is impossible. Accordingly, comments must be received by June 22, 1979, in order to be assured of consideration.

NOTE.—This proposal has been determined not significant under the USDA criteria implementing Executive Order 12044.

NOTE.—A draft Impact Analysis is available from Jerome Sitter, Director, Price Support and Loan Division, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

Signed at Washington, D.C. on May 18, 1979.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-16178 Filed 5-22-79; 8:45 am]

BILLING CODE 3410-05-M

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

[Release Nos. 34-15829; File No. S7-780]

Relief for Certain Wholly Owned Subsidiaries From Portions of Annual and Quarterly Reports Required Under the Securities Exchange Act of 1934

AGENCY: Securities and Exchange Commission

ACTION: Proposed amendments to forms.

SUMMARY: The Commission proposes amendments to allow relief from portions of the reporting requirements of annual and quarterly reports filed with the Commission by an issuer whose equity securities are owned by a single person which is a reporting company under the Securities and Exchange Act of 1934 ("Exchange Act"). In connection with applications for exemption from reporting requirements under section 12 (h) of the Exchange Act, the Commission has noted that a number of wholly-owned subsidiaries with debt securities outstanding seek relief from the full reporting requirements imposed under section 12(b) or 15(d) of the Exchange Act. Consequently, in an effort to more precisely tailor the reporting requirements to these particular companies and to the needs of their investors, the Commission is inviting comments on proposed amendments to Form 10–K and to Form 10–Q.

DATE: Comments must be received on or before June 30, 1979.

ADDRESS: Comments should refer to File No. S7–780 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Paul A. Belvin or Douglas S. Perry (202) 755–1750, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is publishing for comment proposed amendments to the General Instructions to Form 10–K and to the General Instructions to Form 10–Q under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)). Form 10–K is used for annual reports to the Commission pursuant to section 13 or 15(d) of the Exchange Act where no other report is prescribed. Form 10–Q is used for quarterly reports to the Commission under section 13 or 15(d) of the Exchange Act, filed pursuant to Rule 13a–13 or Rule 15d–13.

If adopted, these proposals would allow omission of certain disclosure items in Form 10–Q reports and both omission of and revisions to various disclosure items in Form 10—K reports filed by an issuer whose equity securities are owned by a single parent which is a reporting company under the Exchange Act.

Background and Discussion

In connection with applications for exemption from reporting requirements under section 12(h) of the Exchange Act, the Commission has noted that a number of wholly-owned subsidiaries with debt securities outstanding seek relief from the full reporting requirments imposed under section 12(b) or 15(d) of the Exchange Act. Although the Commission is concerned with maintaining adequate public information regarding those wholly-owned subsidiaries who incur the reporting obligations of the Exchange Act, it appears that some of the item requirements of Form 10–K and Form 10–Q are not necessary in the public interest or the protection of investors.

In an effort to more precisely tailor the reporting requirements to these particular companies and to the needs of their investors, the Commission is inviting comments on proposed amendments to Form 10–K and Form 10–Q. In proposing the amendments to Form 10–Q and Form 10–K, the Commission has attempted to islolate that information about a wholly-owned subsidiary of a reporting company which is either inapplicable to a company with only debt securities outstanding or is immaterial to debtholders generally, or which would appear in the notes to the financial statements of the subsidiary. In an effort to insure that adequate anf complete information is available concerning debt issures, the Commission is interested in receiving comments not only regarding the substance of specific proposals, but also regarding possible criteria for conditioning the availablility of such relief to wholly-owned subsidiaries of reporting companies. Specifically, should the subject relief be conditioned on a requirement that both the wholly owned subsidiary and its reporting parent meet the following financial responsibility tests, as set forth in Form S–7:

(1) The registrant and its subsidiaries have not during the past thirty-six calendar months defaulted in the payment of any dividend or similar fund installment on preferred stock, or installment on any indebtedness for borrowed money, or in the payment or rentals uder long term leases; and

(2) The registrant and its consolidated subsidiaries [have] a net income, after taxes, but before extraordinary items and cumulative effect of a change in accounting principle net of tax effect, of at least $250,000 for three of the last four fiscal years, including the most recent fiscal years.

The Commission is also interested in suggestions for other tests regarding matters such as earnings or assets on which it would be appropriate to condition the subject relief for wholly-owned subsidiaries.

Form 10–Q

The proposed revisions to Form 10–Q would delete the following items of Part II or Form 10–Q as to a wholly-owned subsidiary whose parent is a reporting company: Item 5, Increase in Amount Outstanding of Securities or Indebtedness; Item 6, Decrease is

Outstanding of Securities or Indebtedness; and Item 7, Submission of Matters to a Vote of Security Holders.

Form 10–K

The first of the proposed revisions to Form 10–K would provide that wholly-owned subsidiary of a reporting company may omit certain otherwise required information if certain specified information is provided. The information to be provided is as follows:

(1) An indication of the number of holders of record of each class of securities of the registrant subject to the reporting provisions of Section 13 or 15(d) of the Exchange Act; and

(2) A management's narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent fiscal year presented and the fiscal year immediately preceding it. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels such as unit sales volume, prices charged and paid, production levels, production costs variances, labor costs and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or in the method of their application that have a material effect on net income as reported.

The information called for by the following items otherwise required by the form may them be omitted: Item 2, Summary of Operations; [1] Item 4, Parents and Subsidiaries; Item 6, Increases and Decreases in Outstanding Indebtedness; Item 9, Approximate Number of Equity Security Holders; Item 10, Submission of Matters to a Vote of Security Holders; Item 11, Indemnification of Directors and Officers; Item 13, Security Ownership of Certain Beneficial Owners and Management; and Item 14, Directors and Executive Officers of the Registrant.

By waiving the Form 10–K Item 2 requirement to furnish a summary of operations, the management discussion and analysis required by Guide 22 also would be waived. Consequently, a management's discussion similar to that requested in Form 10–Q has been inserted in lieu thereof. The Commission specifically invites comments as to whether or not substitution of the proposed management discussion for the Guide 22 management discussion would be beneficial to such registrants and consistent with the public interest and protection of investors.

[1] It should be noted that omission of Item 2, Summary of Operations, does not affect the financial statements requirement of Item 12.

During the processing of certain applications under section 12(h), suggestions have been made to the Commission that a wholly-owned subsidiary of a reporting company should also be allowed flexibility with respect to the descriptions called for by Form 10–K Item 1, Business, and by Form 10–K Item 3, Properties. The Commission is aware that there are a number of reporting companies which are wholly-owned subsidiaries of another reporting company; furthermore, the Commission is aware that many of these companies may feel that the Description of Business and Description of Properties items require disclosure beyond what is reasonable for wholly-owned subsidiary. The Commission, therefore, is inviting comments on an additional revision to Form 10–K which would specify that for Item 1, Business, an issuer which is a wholly-owned subsidiary of a reporting company need only furnish a brief description of the business done by the issuer and its subsidiaries during the most recent fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the issuer and its subsidiaries, and, for Item 3, Properties, such issuer need only furnish a brief description of the material properties of the issuer and its subsidiaries to the extent, in the opinion of management, necessary to an understanding of the business done by the issuer and its subsidiaries. The Commission specifically invites comments on whether these revisions to Item 1, Business, and Item 3, Properties, apart from the other proposed revisions to Form 10–K, would relieve such registrants of reporting burdens consistent with the public interest and protection of investors.

The Commission notes that this revision to Form 10–K would not expressly require disclosure of any of the matters specifically enumerated in Form 10–K Items 1 and 3, such as the five year segment discussion required in Item 1 and the oil and gas reserve information required in Item 3 for those subsidiaries with significant oil and gas operations; consequently, the Commission specifically invites comments on the appropriateness of this approach as to wholly-owned subsidiaries.

The Commission also specifically invites comments as to the appropriateness and need for retaining Form 10–Q Item 4 and Form 10–K Item 8—both dealing with Defaults Upon Senior Securities—as narrative-disclosure requirements for the subject wholly-owned subsidiaries. Although such default information also is required in the Form 10–Q by Instruction 4(a)(3) therein and in the Form 10–K in the notes to the financial statements, the Commission is concerned that omitting the specific narrative-disclosure Items might cause confusion and be misleading as to the required response to financial statement instructions.

Proposed Amendments

It is proposed to amend 17 CFR Chapter II as follows:

1. Section 249.308a is proposed to be amended by amending the General Instructions as follows:

§ 249.308a Form 10–Q, for quarterly reports under section 13 or 15(d) of the Securities Exchange Act of 1934.

General Instructions

* * * * *

G. *Omission of Information by Certain Wholly-Owned Subsidiaries.* If, at the time of filing its report on Form 10–Q, all of the issuer's equity securities are owned by a single person which is a reporting company under the Act and has filed all the material required to be filed pursuant to section 13, 14 or 15(d) thereof, as applicable, then the information called for in the following Part II Items may be omitted: Item 5, Increase in Amount Outstanding of Securities or Indebtedness; Item 6, Decrease in Amount Outstanding of Securities or Indebtedness; and Item 7, Submission of Matters to a Vote of Security Holders.

* * * * *

2. Section 249.310 is proposed to be amended by amending the General Instructions as follows:

§ 249.310 Form 10–K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

* * * * *

K. *Omission of Information by Certain Wholly-Owned Subsidiaries.* If, at the time of filing its report on Form 10–K, all of the issuer's equity securities are owned by a single person which is a reporting company under the Act and has filed all the material required to be filed pursuant to section 13, 14 or 15(d) thereof, as applicable, such issuer may omit certain otherwise required items hereunder if certain specified information is provided. The information to be provided is as follows:

(1) An indication of the number of holders of record of each class of securities of the registrant subject to the reporting provisions of section 13 or 15(d) of the Act; and

(2) A management's narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most

recent fiscal year presented and the fiscal year immediately preceding it. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels such as unit sales, volume, prices charged and paid, production levels, production cost variances, labor costs and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or in the method of their application that have a material effect on net income as reported.

The information called for by the following otherwise required items may then be omitted: Item 2, Summary of Operations; Item 4, Parents and Subsidiaries; Item 6, Increases and Decreases in Outstanding Securities and Indebtedness; Item 9, Approximate Number of Equite Security Holders; Item 10, Submission of Matters to a Vote of Security Holders; Item 11, Indemnification of Directors and Officers; Item 13, Security Ownership of Certain Beneficial Owners and Management; and Item 14, Directors and Executive Officers of the Registrant. The issuer shall include the name of its parent in connection with the description of its business.

In response to Item 1, Business, such issuer need furnish only a brief description of the business done by the issuer and its subsidiaries during the most recent fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the issuer and its subsidiaries, and in response to Item 3, Properties, such issuer need furnish only a brief description of the material properties of the issuer and its subsidiaries to the extent, in the opinion of management, necessary to an understanding of the businesss done by the issuer and its subsidiaries.

* * * * *

(Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 3, 8, 49 Stat. 1377, 1379; Secs. 4, 6, 78 Stat. 569, 570–574; sec. 2, 82 Stat. 454; secs. 1, 2, 84 Stat. 1497; secs. 10, 18, 89 Stat. 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 78m, 78o(d), 78w(a))

Statutory authority:

The amendments to Form 10–K and to Form 10-Q are proposed pursuant to sections 13, 15(d) and 23 (a) of the Exchange Act.

In light of section 23(a)(2) of the Exchange Act, the Commission specifically invites comments as to any competitive impact of any changes in the disclosure requirement.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

May 16, 1979.

[FR Doc. 79-16198 Filed 5-22-79; 8:45 am]

BILLING CODE 8010-01-M

[17 CFR Part 270]

[Release No. IC-10698, File No. S7-781]

Exemption of Transactions by Investment Companies With Certain Affiliated Persons

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is requesting public comment on an amendment to a rule under the Investment Company Act of 1940 to permit, provided that specified safeguards are satisfied, certain transactions between an investment company and a company 5% or more of whose outstanding voting securities is owned by that investment company, but which is not controlled by the investment company. Absent this amendment, such a transaction could be effected only upon an exemptive order granted by the Commission on a case-by-case basis.

DATE: Comments must be received by July 2, 1979.

ADDRESSES: Send comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. (Refer to File No. S7–781.) All comments received will be available for public inspection and copying in the Commission, Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Cathy G. Douglas, Esq., Investment Company Act Study Group, Division of Investment Management, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549, (202) 755–6972.

SUPPLEMENTARY INFORMATION: The Commission today proposed for public comment an amendment to rule 17a-6 [17 CFR 270.17a-6] under the Investment Company Act of 1940 [15 U.S.C. 80 a-1 et seq.]. The proposed amendment was development by the Division of Investment Management's Investment Company Act Study Group in the context of its re-examination of the regulation of investment companies.

A. Background

Section 17(a) of the Act [15 U.S.C. 80a-17(a)] makes it unlawful for an affiliated person of an investment company or any affiliated person of such person acting as a principal knowingly to sell to or to buy from that investment company (or any affiliated person thereof) any security or other property or to borrow money or other property from the investment company. [1] The term "affiliated person" is defined in section 2(a)(3)(C) of the Act [15 U.S.C. 80a-2(a)(3)(C)] to include any person directly of indirectly controlling such other person. [2] Therefore, a corporation which is controlled by an investment company is an affiliated person of that investment company—commonly called a controlled portfolio affiliate—for purposes of the prohibitions of section 17(a) of the Act. Moreover, the term "affiliated person" also is defined by section 2(a)(3)(B) of the Act [15 U.S.C. 80 a-2(a)(3)(B)] to mean any peson 5% or more of whose outstanding voting securities are directly of indirectly owned, controlled, or held with power to vote, by such other person. Therefore, a corporation 5% or more of whose outstanding voting securities is owned by an investment company, even though not controlled by the investment company, also is an affiliated person of that investment company—commonly called a non-controlled portfolio affiliate—for purpose of the prohibitions of section 17(a) of the Act.

Section 17(b) of the Act [15 U.S.C. 80a–17(b)] authorizes the Commission to exempt proposed transactions from the prohibitions of section 17(a) where it finds, in part, that the terms of the

[1] Among proposed transactions involving portfolio affiliates which have been the subject of applications for exemption from the prohibitions of section 17(a) are: the conversion of preferred stock into common, Axe-Houghton Fund A, Inc., Investment Company Act Release No. 5150 (Oct. 30, 1967); the exchange of new warrants for old, Value Line Special Situations Fund, Investment Company Act Release No. 6621 (July 15, 1971); the amendment of a loan agreement effecting the subordination of certain debentures, Greater Washington Industrial Investments, Inc., Investment Company Act Release No. 3759 (Aug. 29, 1963); and the sale of patents and licenses, E.I. duPont De Nemours & Co., Investment Company Act Release No. 6526 (May 17, 1971). In American Bakeries Company, Investment Company Act Release No. 9924 (Sept. 13, 1977), 13 SEC Docket 88, the Commission granted retroactive exemption from the prohibitions of section 17(a) for a transaction in which a portfolio affiliate reacquired certain of its shares from an investment company. Although the parties agreed that the terms were fair and reasonable and that there was no overreaching by either side, the investment company had sought to have the transaction rescinded after the shares experienced a substantial price increase.

[2] The term "control" is defined in section 2(a)(9) of the Act [15 U.S.C. 80 a-2(a)(9)] to mean the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company. That section contains a rebuttable presumption that beneficial ownership of more than 25 percent of the voting securities of a company is contol. However, no person may rely on the presumption that less than 25 percent ownership is not control when, in fact, a control relationship exists under all the facts and circumstances. Fundamental Investors, Inc., 41 SEC 285, 292–5 (1962).

transaction are fair and reasonable and do not involve overreaching on the part of any person involved. This statutory requirement for exempting particular proposed transactions has been read to mean that the Commission—in addition to finding that the proposed transaction is fair and reasonable and involves no overreaching of the investment company—must find that there is no overreaching of the portfolio affiliate by the investment company or by any other person involved in the proposed transaction.[3] However, the legislative history of section 17(a) regarding the persons intended to be protected by that provision may not be free from doubt with respect to Congressional intent.[4] Additionally, Congress' fundamental findings and declaration of policy upon which the Act was legislated do not refer explicitly to any legislative concern regarding investors of portfolio affiliates.[5]

Moreover, control of industrial corporations generally has not been a corporate purpose of investment companies.[6] This is particularly true of open-end investment companies, which presently represent the majority of registered investment companies.[7]

The Commission, pursuant to its rulemaking authority, has exempted certain investment company transactions involving portfolio affiliates from section 17(a) of the Act. Rule 17a-6 [17 CFR 270.17a-6] was promulgated by the Commission in 1961 to provide small business investment companies licensed by the United States Small Business Administration with an exemption from section 17(a)(1) and section 17(a)(3) for certain transactions with portfolio affiliates.[8] Rule 17a-6 was amended by the Commission in 1964 to provide an exemption from section 17(a) to additional persons and transactions.[9] The basic purpose of the amendment, like the original rule, was "to eliminate filing and processing applications in circumstances in which there appears to be no likelihood that the statutory finding for a specific exemption under section 17(b) could not be made." [10] As presently constituted, rule 17a-6 provides exemptions from the provisions of section 17(a) of the Act to two classes of transactions.

Paragraph (a) of rule 17a-6 generally provides such an exemption to certain

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[3] In a number of its decisions the Commission has made such a finding in addition to finding that no person in overreaching the investment company. See, e.g., Talley Industries, Inc., 44 SEC 165 (1970); Fifth Avenue Coach Lines, Inc., 43 SEC 635 (1967); Century Investors, Inc., 40 SEC 319 (1960); Madison Fund, Inc., 40 SEC 143 (1960); and Equity Corp., 40 SEC 124 (1960).

[4] In the Commission's testimony preceding the enactment of that legislation, only one reference was made to transactions with portfolio affiliates. During the Senate hearings on S. 3580, the first bill introduced to regulate investment companies, David Schenker of the Commission's staff discussed this matter with Senator Taft. Both agreed that any publicity regarding an investment company's overreaching a portfolio affiliate would result in legal actions under state corporate law; but Mr. Schenker argued the need for an agency to publicize such transactions. See, Hearings on S. 3580 Before a Subcomm. of the Comm. on Banking and Currency, 76th Cong., 3d Sess. 257–59 (1940). Nonetheless, earlier in that testimony Mr. Schenker had described section 17 to be directed exclusively to regulating transactions involving persons acting as fiduciaries in respect to an investment trust—

The only thing this section says is that a person who is an officer, a director, a manager, or underwriter, shall not as principal sell any property to the investment trust. And that is obvious, because [that is] where he is attempting to sit on both sides of a transaction, where he has a personal pecuniary interest as a seller and is acting in a fiduciary capacity with respect to the investment trust.* * * Id. at 256.

In his subsequent testimony regarding section 17(a), including during testimony on the compromise bills which were enacted as the Act, S. 4108 and the comparable H.R. 10065, Mr. Schenker did not express any additional concerns regarding the appropriateness of encompassing transactions involving portfolio affiliates in section 17.

At the time Mr. Schenker testified on S. 3580, section 17(a) of S. 3580 included as section 17(a)(4) prohibitions against certain joint transactions which were subsequently removed and enacted as section 17(d) of the Act [15 U.S.C. 80a-17(d)]. Significantly, the prohibitions which were enacted as section 17(d) are concerned only that an investment company and controlled companies thereof would be disadvantaged in participating in a proposed joint transaction with affiliated or certain other persons. Thus, assuming Mr. Schenker's initial testimony suggested that section 17(a) of the Act was intended to protect the broadest spectrum of persons, the removal of certain of its prohibitions respecting joint transactions to section 17(d) significantly diminished the investor protections actually provided by the Act for the shareholders of portfolio affiliates without legislative explanation. See, SEC v. Talley Industries, Inc. 399 F.2d 396, 405 (2d Cir. 1968), *cert. denied*. 393 U.S. 1015 (1969), *order of injunction aff'd. sub nom.* SEC v. General Time Corp., 407 F.2d 65 (2d Cir. 1968), *cert. denied*. 393 U.S. 1026 (1969). Because of this difference in the scope of persons intended to be protected by sections 17(a) and (d), rule 17d-1(d)(5) thereunder does not contain any investor protections specifically directed to investors of downstream affiliates.

Finally, it also should be noted that, in discussing the scope and protections afforded by the Act, neither the legislative reports accompanying the bills enacted as the Act nor the speeches by the Act's floor managers in Congress refer to any concern for protecting shareholders of companies which are portfolio affiliates of investment companies. See, S. Rep. No. 1775, 76th Cong., 3d Sess. 6–8, 14 (1940); H.R. Rep. No. 2639, 76th Cong., 3d Sess. 7–10, 17 (1940); 86 Cong. Rec. 9810 (1940); and 86 Cong. Rec. 2844, 2846 (1940).

[5] Although Congress found in section 1(a)(3) of the Act [15 U.S.C. 80a-1(a)(3)] that investment companies are affected with a national public interest in that they may dominate and control or otherwise affect the policies and management of companies engaged in business in interstate commerce, in contrast to other findings in that section it did not also declare in section 1(b) of the Act [15 U.S.C. 80a-1(b)] that such activities adversely affected the national public interest and the interest of investors.

Consequently, Judge Friendly has concluded that "[w]hile the danger of such influence was recognized at the time the Act was passed * * * it was not one of the principal evils the Act sought to remedy. * * *" Rather, he characterized it as a "low priority policy." SEC v. Sterling Precision Corp., 393 F.2d 214, 218–19 (2d Cir. 1968). Nonetheless, the Commission has determined that, upon examining a transaction proposed to be consummated pursuant to a requested order of exemption under section 17(b) and finding the proposed transaction involved overreaching of any person, it would not stand mute. "We cannot believe the Congress intended, after requiring an agency of the Government to examine a transaction such as this, to put that agency in the position of effectively authorizing the transaction when there are circumstances raising questions as to possible overreaching of a person concerned which as public investors." Fifth Avenue Coach Lines, Inc., 43 SEC 635, 639 (1967). However, as discussed below, the Commission has exempted by rulemaking transactions involving licensed small business investment companies and venture capital companies from such individual examination, regardless of whether their portfolio affiliates had public shareholders.

[6] "Although the great majority of all investment companies in the United States do not appear to have attempted any control over the issuers of the securities in their portfolio, many investment companies, at one time or another, have held blocks of securities sufficient to control at least one enterprise. * * * Broadly speaking, over the last fifteen years there have been in existence approximately thirty investment-holding companies, with an equal or larger number of management investment companies which controlled some industrial companies but with whom control of industrial enterprises was more incidental." Securities and Exchange Commission, Investment Trusts and Investment Companies, Part IV, H. Doc. No. 246, 77 Cong. 1st Sess. 2 (1942).

[7] "[O]nly closed-end management investment companies (including investment-holding companies) have been concerned with control of industry." Id. Subsequent studies show that "open-end investment companies have been relatively inactive stockholders." Wharton School of Finance and Commerce, A Study of Mutual Funds, H.R. Rep. No. 2274, 87th Cong. 2d Sess. 26 (1962). It concluded that "as of late 1958 neither the extent nor character of [mutual fund] influence [over portfolio companies] appeared to be such as to warrant serious concern." Id. The Wharton Study was updated by the Commission's report, Public Policy Implications of Investment Company Growth, H.R. Rep. No. 2337, 89th Cong., 2d Sess. (1966), which noted that "active participation in the affairs of portfolio companies by investment company management in the role of interested shareholders should not be confused with the managers' use of mutual fund assets to control portfolio companies."

On September 30, 1978, open-end investment companies had assets of approximately $64 billion, while closed-end companies had assets of approximately $8 billion.

[8] Investment Company Act Release No. 3361 (Nov. 17, 1961), 26 FR 11238, 11240 (1961). That rulemaking provided such an exemption, subject to certain conditions, regarding loans and other securities transactions which would be prohibited by such sections solely because of an affiliation created by the small business investment company's owning, holding or controlling with power to vote the voting securities of a small business concern. That exemption was not available if any person having an affiliate, promoter or principal underwriter relationship with the investment company also had a direct or indirect specified financial interest in the small business concern.

[9] Investment Company Act Release No. 3968 (April 29, 1964) 29 FR 6152 (1964) [order adopting rule].

[10] Investment Company Act Release No. 3776 (Sept. 27, 1963) 28 FR 10753 (1964) [order proposing adoption of rule].

transactions between a licensed small business investment company or a venture capital company and a portfolio affiliate.[11]

Paragraph (b) of rule 17a–6 generally provides a similar exemption to certain transactions between any other investment company and a portfolio affiliate, provided that the portfolio affiliate is a "non-public" company.[12]

The applicability of paragraph (b) to transactions only with non-public portfolio affiliates "was intended to assure that, consistent with the purposes of Section 17 of the Act, no transactions exempted by the rule would involve a risk of overreaching of or unfairness to an affiliated or controlled company in which there is a substantial public investor interest." [13] Nonetheless, such a limitation was not applied to transactions of licensed small business investment companies or venture capital companies because, among other reasons, it would interfere with the opportunity to make the kind of prompt changes in their relationship with their portfolio companies which they believe is essential to their effective operation.[14] However, no exemption under rule 17a–6 is available in the event that certain affiliated and other persons of the investment company, e.g., a controlling person of the company, is a party or has a financial interest in a party to the transaction.[15]

In addition to those exemptions provided by rule 17a–6, the Commission, upon application, has granted a substantial number of individual exemptive orders upon finding that the standards posed by section 17(b) of the Act have been satisfied. Such exemptive orders have been granted regarding transactions involving both controlled [16] and non-controlled [17] portfolio affiliates.

Nonetheless, on one occasion the Commission, applying state corporate law, refused to issue an exemptive order upon finding that a proposed transaction by an affiliate of an affiliate of an investment company would represent the use of corporate funds solely or primarily to retain control.[18] The Commission also has declined to grant exemptive orders where (1) the record did not establish the full terms of the financing arrangements in a proposed transaction between two companies which each owned over 5% of the voting securities issued by a third corporation.[19] and (2) there was a proposed merger between two corporations and an investment company owned more than 5% of the voting securities issued by each of the corporations, until the terms of the proposed merger were modified.[20]

B. Discussion

1. Transactions With Noncontrolled Portfolio Affiliates

The Commission proposes to add new paragraph (c) of rule 17a–6 to exempt from the prohibitions of section 17(a) certain transactions between an investment company and a noncontrolled portfolio affiliate of that company. As in existing paragraphs (a) and (b) of rule 17a–6, the exemption would not be available in instances in which certain prescribed persons—who, by virtue of their relation to the investment company, would be in a position to influence the terms of a transaction—are parties to the transaction or have a financial interest therein. This limitation would make it unlikely that a transaction effected under the proposed exemption would involve overreaching against an investment company, because persons with the potential ability to overreach the company could not be included in the transaction. Moreover, because the amendment would apply only to portfolio affiliates which are not controlled by the investment company, it is unlikely that the investment company might overreach the portfolio affiliate to the disadvantage of the other public shareholders of the affiliate.[21] The Commission has granted a number of exemptive orders to investment companies for transactions involving investment companies and portfolio affiliates based on similar circumstances.[22] Accordingly, the Commission believes that it would be appropriate, based on approximately fifteen years of experience since the most recent amendment to rule 17a–6, to exempt those transactions pursuant to rulemaking.

2. Transactions With Controlled Portfolio Affiliates

The Commission further specifically requests comment regarding whether it would be appropriate also to amend rule 17a–6 to exempt from the prohibitions of section 17(a) transactions between an investment company and a controlled portfolio affiliate, provided that the persons who would be proscribed from participating in transactions involving non-controlled portfolio affiliates would be similarly proscribed from participating in such transactions. In this regard, it would be particularly helpful if comments would address circumstances under which investors of certain industrial corporations controlled by an investment company should be entitled to the special protections of section 17(a) of the Investment Company Act by virtue of the fact that their controlling persons are investment companies. Moreover, comments also should address whether investors in such controlled portfolio affiliates should continue to be afforded particular protections based upon (1) whether the

[11] A venture capital company was defined as a company engaging in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence, and reorganizing companies or similar activities. Compare, section 12(e) of the Act [15 U.S.C. 80a–12(3)]. The Commission extended this exemption to transactions of venture capital companies because its "experience in the regulation of a number of venture capital investment companies registered under the Investment Company Act which are not licensed small business investment companies indicates that the similarity of their operations gives rise to the same kinds of problems as those encountered by small business investment companies." Investment Company Act Release No. 3968, supra, n.9.

[12] A non-public company for purposes of paragraph (b) generally means a company whose outstanding securities are beneficially owned by not more than 100 persons. Compare, section 3(c)(1) of the Act [15 U.S.C. 80a–3(c)(1)].

[13] Investment Company Act Release No. 3968, supra, n.9.

[14] Id. The release did not express any concern whether investors in a public corporation which is a portfolio affiliate of a licensed small business investment company or a venture capital company could be overreached in such transactions.

[15] Under the rule, such person may not have, or within six months prior to the transaction have had, or pursuant to an arrangement will acquire, a direct or indirect financial interest in a party (except the investment company) to the transactions. The term "financial interest" is defined in paragraph (c) of the rule.

[16] See, e.g., International Bank, 41 SEC 521 (1963); Iowa Interests Corp., 40 SEC 927 (1961); Delaware Realty & Investment Co., 40 SEC 469 (1961); Century Investors, Inc., 40 SEC 319 (1960); Equity Corp., 40 SEC 124 (1960); Atlas Corporation, 39 SEC 437 (1959).

[17] See, e.g., Aetna Life Insurance Co., 42 SEC 437 (1964); Vornado, Inc., 40 SEC 680 (1961); Madison Fund, Inc., 40 SEC 143 (1960); New York Dock Co., 38 SEC 754 (1958).

[18] Bowser, Inc., 43 SEC 277 (1967). In that proceeding an issuer proposed to make a tender offer for its own securities to an investment company, a controlled affiliate owning 20% of that issuer and several related persons. The Commission also found that the proposed price was too high.

[19] Fifth Avenue Coach Lines, Inc., 43 SEC 635 (1967). That transaction involved the proposed sale of securities between an investment company which owned more than 5% of that issuer's voting securities and another company which similarly owned more than 5% of those securities.

[20] Talley Industries, Inc., Investment Company Act Release Nos. 5953 (Jan. 9, 1970) and 5977 (Feb. 10, 1970).

[21] Although the legislative history regarding Congress' intent to regulate investment companies' transactions with portfolio affiliates is somewhat inconclusive, testimony in 1940 by David Schenker, chief counsel of the Commission's Investment Trust Study, suggests his belief that any potential for overreaching with respect to portfolio affiliates would exist only in control situations. Hearings on S. 3580 before the Subcomm. of the Senate Comm. on Banking and Currency, 76th Cong., 3d Sess. 257 (1940).

[22] Supra, n.17.

affiliate is controlled by a licensed small business investment company or venture capital company, or by any other class of investment company, or (2) the number of beneficial shareholders of such affiliate's voting securities.[23]

Text of Proposed Amendment

It is proposed that Part 270 of Chapter II of Title 17 of the Code of Federal Regulations be amended by adding a new paragraph (c) to § 270.17a-6 and redesignating present paragraph (c) (d) as follows:

§270.17a-6 Exemption of transactions with certain affiliated persons.

* * * * *

(c) A transaction between a registered investment company, or a company controlled by such investment company, and a portfolio affiliate, or an affiliated person of a portfolio affiliate, shall be exempt from the provisions of section 17(a) of the Act if the conditions of paragraph (a) of this section are met. For purposes of this paragraph, a portfolio affiliate is a person who is an affiliated person of the registered investment company solely by virtue of the relationship described in section 2(a)(3)(B) of the Act [15 U.S.C. 80a-2(a)(3)(B)].

[Existing paragraph (c) is redesignated paragraph (d)].

Statutory basis: Amended rule 17a-6 is promulgated pursuant to the provisions of sections 6(c) [15 U.S.C. 80a-6(c)] and 38(a) [15 U.S.C. 80a-37(a)]of the Act.

By the Commission.

George A. Fitzsimmons,

Secretary.

May 16, 1979.

[FR Doc. 79-16044 Filed 5-22-79; 8:45 am]

BILLING CODE 8010-01-M

[23] In the event that the Commission should subsequently determine—based on comments received upon this proposed rulemaking and its own experience in administering the Act—to exempt all such transactions regardless of whether the portfolio affiliate is controlled, any distinction drawn in the rule's text between (1) licensed small business investment companies, venture capital companies, and other investment companies and (2) public and nonpublic portfolio companies would be mooted. The result of such a change in rule 17a-6 would be analogous to the situation which now exists under rule 17d-1(d)(5), which—regardless of whether an investment company of any class controls the portfolio affiliate—exempts certain transactions from the prohibitions of section 17(d) and rule 17d-1 thereunder. In such circumstances, paragraphs (a) and (b) and proposed new paragraph (c) of rule 17a-6 would be consolidated into a new paragraph (a).

[17 CFR Part 270]

[Release No. IC-10699, File No. S7-783]

Exemption of Certain Joint Transactions With Affiliates Involving Portfolio Company Reorganizations

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is requesting public comment on a proposed amendment to a rule under the Investment Company Act of 1940 to permit, provided that certain conditions are satisfied, investment companies and certain affiliated persons to engage in a joint transaction involving the receipt of securities and/or cash pursuant to a portfolio company's plan of reorganization. Absent this amendment, such a transaction would be permissible only pursuant to an exemptive order granted by the Commission upon application on a case-by-case basis.

DATE: Comments must be received by July 2, 1979.

ADDRESSES: Send comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C., 20549. (Refer to File No. S7-783.) All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Cathy G. Douglas, Esq., Investment Company Act Study Group, Division of Investment Management, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549 (202) 755-6972.

SUPPLEMENTARTY INFORMATION: The Commission today published for comment proposed paragraph (d)(6) of rule 17d-1 [17 CFR 270.17d-1] to permit under specified circumstances an investment company and certain affiliated persons thereof[1] to enter a joint arrangement to receive securities and/or cash pursuant to a plan of reorganization[2] without filing an exemptive application. This proposed amendment of rule 17d-1 was developed by the Division of Investment Management's Investment Company Act Study Group in the context of its re-examination of the regulation of investment companies.

A. Background

Section 17(d) of the Act [15 U.S.C. 80a-17(d)], in part, generally prohibits certain affiliated persons of an investment company acting as principal from effecting any transaction in which the investment company or any controlled company thereof is a joint or a joint and several participant with such person in contravention of such rules as the Commission may prescribe. Paragraph (a) of rule 17d-1, in part, generally prohibits any such joint enterprise or other joint arrangement or profit-sharing plan, unless a prior exemptive order has been issued by the Commission upon application.[3]

Nonetheless, paragraph (d) of rule 17d-1 provides that, notwithstanding the requirements of paragraph (a), no application need be filed pursuant to that rule with respect to certain specified transactions.[4] Subparagraph (d)(5) of that paragraph also exempts any joint enterprise or other joit arrangement or profit sharing plan ("joint enterprise" in which an investment company or a controlled company thereof is a participant, and in which a company which is an affiliated person of such investment company or an affiliated person of such a person is also a participant, provided that certain conditions are satisfied. Among those

[1] The term "affiliated person of another person" is defined in section 2(a)(3) of the Act (15 U.S.C. 80a-2(a)(3)].

[2] The term "reorganization" is defined in section 2(a)(33) of the Act [15 U.S.C. 80a-2(a)(33)] to mean—

(A) a reorganization under the supervision of a court of competent juisdiction; (B) a merger or consolidation; (C) a sale of 75 per centum or more in value of the assets of a company; (D) a restatement of the capital of a company, or an exchange of securities issued by a company for any of its own outstanding securities; (E) a voluntary dissolution or liquidation of a company; (F) a recapitalization or other procedure or transaction which has for its purpose the alteration, modification, or elimination of any of the rights, preferences, or privileges of any class of securities issued by a company, as provided in its charter or other instrument creating or defining such rights, preferences, and privileges; (G) an exchange of securities issued by a company for outstanding securities issued by another company or companies, preliminary to and for the purpose of effecting or consummating any of the foregoing; or (H) any exchange of securities by a company which is not an investment company for securities issued by a registered investment company.

[3] Paragraph (b) of rule 17d-1 provides that—

In passing upon such applications, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the act and the extent to which such participation is on a basis different from or less adantageous than that of other participants.

[4] In proposing paragraph (d)(5) of rule 17d-1 the Commission stated—

when the persons designated do not participate or have a financial interest in a joint transaction, there is little likelihood that participation by registered investment companies, or controlled companies thereof, in joint transactions with other affiliated persons * * * will result in unfair or disadvantageous treatment to the investment companies or their controlled companies.

Investment Company Act Release No. 8273 (Mar. 14, 1974), 39 FR 11312, 11313 (1974).

conditions is that no person described in subparagraph (d)(5)(i) of the rule[5] is a participant in the joint enterprise through a direct or indirect financial interest[6] in any person (except the investment company) who is a participant in the joint enterprise.[7] The person so described are persons who, by virtue of their relation to the investment company, potentially could influence the terms of the transaction to the investment company's disadvantage.

The receipt of securities and/or cash pursuant to a plan of reorganization of a portfolio company by an investment company and an affiliated person would be deemed to be a joint transaction under section 17(d) of the Act and rule 17d-1 thereunder.[8] In the event that a person described in paragraph (d)(5)(i) of rule 17d-1 has a financial interest in a company which is particpating in the transaction, the transaction would not be exempted by paragraph (d)(5) of the rule. Moreover, if such person is himself a participant in the transaction, the transaction would not be exempted by paragraph (d)(5). Nonetheless, the Commission, by order upon application, has exempted a number of such transactions on a case-by-case basis from the prohibitions of section 17(d) of the Act and rule 17d-1 thereunder upon finding that the appropriate exemptive standards have been satisified.[9]

Discussion

The Commission proposes to exempt by rulemaking, provided certain safeguards are met, the receipt of securities and/or cash pursuant to a reorganization of a portfolio company by an investment company and by certain affiliated persons who may not rely on existing rule 17d-1(d)(5). The Commission believes that such a rule would significantly benefit investment companies by (1) obviating the need to file exemptive applications when there is little likelihood that such orders would not be granted, and (2) allowing for more expeditious reorganizations of portfolio companies. It would also benefit companies whose securities may be held both by investment companies and by certain affiliated persons in that it would allow them, under appropriate circumstances, to reorganize in a more timely manner.[10]

Transactions effected in reliance on proposed rule 17d-1(d)(6) would be required to satisfy specified safeguards to ensure the likelihood that the investment company would not be overreached by persons described in paragraph (d)(5)(i) of rule 17d-1. First, the rule would apply solely to transactions in which such person's financial interest in the reorganization is limited exclusively to ownership of the same class or classes of securities of the reorganizing company which are owned by the investment company. This condition would assure a unity of interest between those persons and the investment company.

Second, the rule would require that, pursuant to the reorganization, the investment company and persons described in subparagraph (d)(5)(i) receive under identical terms securities of the same class or classes and/or cash. Moreover, the distribution must be *pro rata* according to their prior holdings of securities. These conditions would prevent the investment company's participation from being on a basis proportionately different from or less advantageous than that of any such participant.

The exemption would not apply when a person described in paragraph (d)(5)(i) of the rule is, or has a direct or indirect financial interest in any person who is, purchasing assets from the company under reorganization.[11] Moreover, it also would not apply where the person is, or has such an interest in, a person exchanging shares with the company under reorganization, unless that exchange would independently satisfy the exemptive standards in proposed paragraph (d)(6). These conditions would provide additional protections against the investment company's being overreached by persons in a position to influence the investment company's actions.

Text of Proposed Amendments

It is proposed to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations by adding paragraph (d)(6) to § 270.17d-1 as follows:

§ 270.17d-1 Applications regarding joint enterprises or arrangements and certain profit-sharing plans.

* * * * *

(d) * * *

(6) The receipt of securities and/or cash by an investment company or a controlled company thereof and an affiliated person of such investment company or an affiliated person of such person pursuant to a plan of reorganization: *Provided*, That no person described in paragraph (d)(5)(i) of this section or any company in which such person has a direct or indirect financial interest (as defined in paragraph (d)(5)(iii) of this section):

(i) Has a direct or indirect financial interest in the corporation under

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[5] Subparagraph (d)(5)(i) of rule 17d-1 describes the following persons:

(a) An officer, director, employee, investment adviser, member of an advisory board, depositor, promoter of or principal underwriter for the registered investment company,

(b) A person directly or indirectly controlling the registered investment company,

(c) A person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of the registered investment company,

(d) A person directly or indirectly under common control with the registered investment company, except a person who, if it were not directly or indirectly controlled by the registered investment company, would not be directly or indirectly under the control of a person who controls the registered investment company, or

(e) An affiliated person of any of the foregoing [other than certain specified persons].

[6] The term "financial interest" is defined in subparagraph (d)(5)(iii) of rule 17d-1.

[7] Additionally, paragraph (d)(5)(ii) limits the amount of an investment company's assets which may be committed under the rule in the joint enterprise.

[8] It is conceivable, under unusual circumstances, that an investment company and any affiliated person thereof might receive a distribution of securities and/or cash from another company—which itself (or because of actions by persons other than the investment company or affiliated persons thereof) has initiated a corporate reorganization—without an opportunity to vote, consent, or otherwise formally or informally to express approval of the reorganization. In such circumstances, the receipt of securities and/or cash by the investment company and its affiliated person would not be within the purview of section 17(d) of the Act and rule 17d-1 thereunder.

[9] E.g., Narragansett Capital Corp., Investment Company Act Release No. 10348 (Aug. 1, 1978), 15 SEC Docket 531; Narragansett Capital Corp., Investment Company Act Release No. 10274 (June 8, 1978), 14 SEC Docket 1347; Madison Fund, Inc., Investment Company Act Release No. 10257 (May 25, 1978), 14 SEC Docket 1213; Value Line Income Fund, Inc., Investment Company Act Release No. 9489 (Oct 19, 1976), 10 SEC Docket 771; Narragansett Capital Corp., Investment Company Act Release No. 9008 (Oct. 30, 1975), 8 SEC Docket 312; Investors Syndicate of America, Inc., Investment Company Act Release No. 8540 (Oct. 9, 1974), 5 SEC Docket 263; Investors Variable Payment Fund, Inc., Investment Company Act Release No. 8083 (Nov. 13, 1973), 3 SEC Docket 58; Rico Argentine Mining Co., Investment Company Act Release No. 7759 (Apr. 9, 1973), 1 SEC Docket (No. 11) 25; Narragansett Capital Corp., Investment Company Act Release No. 7716 (Mar. 8, 1973), 1 SEC Docket (No. 6) 25.

[10] As Judge Friendly noted, in analogous circumstances regarding section 17(a) of the Act [15 U.S.C. 80-17(a)],—

Congress surely did not intend that an investment company's acquisition of more than 5% of the stock of a non-investment company should place the latter under the necessity of applying to the Commission for exemption of a transaction necessary to avoid a default. We are equally confident that Congress would not have meant to include total redemptions or *pro rata* ones, even though at the volition of [a portfolio] 'affiliate' not an investment company.

SEC v. Sterling Precision Corp., 393 F.2d 214, 218 (2d Cir. 1968).

[11] An arrangement by such a person (other than a nonexecutive employee) for future employment (other than as a director receiving usual and ordinary fees for that service) would constitute a financial interest under paragraph (d)(5)(iii) of rule 17d-1.

reorganization, except owning securities of the class or classes owned by such investment company or controlled company;

(ii) Receives pursuant to such plan any securities or other property, except securities of the same class and subject to the same terms as the securities received by such investment company or controlled company, and/or cash in the same proportion as is received by the investment company or controlled company based on securities of the company under reorganization owned by such persons; and

(iii) Is, or has a direct or indirect financial interest in any person (other than such investment company or controlled company) who is, (A) purchasing assets from the company under reorganization or (B) exchanging shares with such person in a transaction not in compliance with the standards described in this paragraph (d)(6).

Statutory Basis: The proposed rule is promulgated pursuant to section 6(c) of the Act [15 U.S.C. 80a-6(c)], section 17(d) and section 38(a) of the Act [15 U.S.C. 80-37(a)].

By the Commission.

George A. Fitzsimmons,

Secretary.

May 16, 1979.

[FR Doc. 79-16045 Filed 5-22-79; 8:45 am]

BILLING CODE 8010-01-M

[17 CFR Part 270]

[Release IC-10700, File No. S7-784]

Exemption of Certain Joint Purchases of Liability Insurance Policies

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing a rule to exempt from a prohibition in the Investment Company Act of 1940 the joint purchase of liability insurance policies by an investment company with certain affiliated persons of such company, provided that specified conditions are satisfied. The Commission upon application has granted exemptive orders and its staff has provided no-action assurances regarding numerous such arrangements. The proposed rule would obviate the need for such actions on a case-by-case basis.

DATE: Comments must be received by July 2, 1979.

ADDRESSES: Send comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549. (Refer to File No. S7-784.) All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

Mark B. Goldfus, Special Counsel Investment Company Act Study Group, (202) 755-0230; or

Cathy G. Douglas, Esq., Investment Company Act Study Group, (202) 755-6972, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission today published for public comment a proposed amendment to rule 17d-1 [17 CFR 270.17d-1] under section 17(d) of the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a-17(d)] to allow registered investment companies to purchase liability insurance policies jointly with affiliated and certain other persons.[1] This proposed rulemaking was prepared by the Division of Investment Management's Investment Company Act Study Group in the context of its re-examination of the regulation of investment companies.

Background

In addition to the fidelity insurance bond required under the Act,[2] many investment companies have voluntarily elected to maintain an errors and omissions insurance policy. Such coverage is sought, at least in part, by an investment company to attract qualified persons to serve as its directors and officers. Frequently, an investment company will wish to jointly participate in the selection and purchase of an "errors and omissions" or liability insurance policy and share premiums for such insurance coverage with other persons, such as its investment adviser and other investment companies managed by the adviser. This arrangement may elicit a wider range of insurance companies willing to underwrite such policies, may induce individual insurance companies to underwrite more extensive insurance coverage, and may result in lower aggregate premiums.[3]

Selection and purchase of an errors and omissions or other liability insurance policy by an investment company jointly with an affiliated person of the investment company would, however, be prohibited by section 17(d) of the Act and rule 17d-1 thereunder.[4] Nonetheless, the Commission has upon application pursuant to rule 17d-1 granted orders exempting such joint transactions from the prohibition of rule 17d-1 upon finding that the participation of investment companies in such a proposed tranaction has satisfied the exemptive standards of section 17(d) of the Act and rule 17d-1 thereunder.[5] Moreover, the Commission's staff has, in responding to inquiries, concluded that based on specific circumstances it would not recommend that the Commission take any action under section 17(d) of the Act or rule 17d-1 thereunder regarding execution of certain such liability insurance arrangements.[6]

Discussion

The Commission believes that, provided certain safeguards apply, it would be appropriate to exempt by rulemaking joint purchase of "errors and omissions" and other liability insurance

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[1] The term "affiliated person" is defined in section 2(a)(3) of the Act [15 U.S.C. 80a-2(a)(3)].

[2] Rule 17g-1 [17 CFR 270.17g-1] under section 17(g) of the Act [15 U.S.C. 80a-17(g)] generally requires that each registered management investment company provide and maintain a fidelity insurance bond against larceny and embezzlement covering each officer and employee of the company having access to its securities or funds. See generally, Investment Company Act Release No. 10393 (Sept. 8, 1978), 43 FR 41321 (1978). Under specified circumstances, a fidelity insurance bond jointly maintained by an investment company with certain affiliated persons thereof is exempted from section 17(d) of the Act and the rules thereunder by paragraph (j) of rule 17g-1.

[3] See, e.g., letter of December 30, 1977, to the Division of Investment Management from Sidley & Austin, regarding Mathers Fund, Inc.

[4] Section 17(d) and rule 17d-1 thereunder in part prohibit an affiliated person of an investment company or an affiliated person of such person, acting as principal, from participating in, or effecting any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which any such investment company, or a company controlled by such company, is a participant, unless an exemptive order had been granted by the Commission.

[6] E.g., staff responses to inquiries regarding Mathers Fund, Inc. (Feb. 6, 1978), [1978] Fed. Sec. L. Rep. (CCH) ¶ 81,695, Capital Preservation Fund, Inc. (Oct. 28, 1976), [1976-1977] Fed. Sec. L. Rep. (CCH) ¶ 81,022 and Parthenon Fund, Inc. (Feb. 3, 1976), [1975-1976] Fed. Sec. L. Rep. (CCH) ¶ 80,451. In its response to an inquiry regarding T. Rowe Price Growth Stock Fund, Inc. and other investment companies with a common investment adviser, the staff declined to give such assurance (June 17, 1977), [1977-1978] Fed. Sec. L. Rep. (CCH) ¶ 81,422. However, upon subsequent application an exemptive order was granted by the Commission for that arrangement. T. Rowe Price Associates, Inc., Investment Company Act Release Nos. 10380 (Aug. 28, 1978) and 10336 (July 25, 1978), 15 SEC Docket 885 and 409.

[7] The Commission does not propose limiting the exemptive rulemaking to joint insurance arrangements regarding errors and omissions insurance only. Rather, it believes that, other than the bonding required by rule 17g-1, the question of whether any other type of joint insurance coverage is appropriate and necessary for any particular investment company's operation should be a matter within the discretion of that investment company's board of directors, provided that conditions prescribed in the proposed rule are satisfied.

policies by an investment company with any of its affiliated persons from the prohibitions of section 17(d) and rule 17d–1 thereunder. Accordingly, the Commission proposes to adopt a new paragraph (7) of rule 17d–1 to permit, upon specified conditions, an investment company's participation in a joint insurance arrangement without filing an application seeking an exemptive order.[7] To a large extent, these conditions would codify the representations upon which the Commission has granted exemptive orders and its staff has given favorable no-action assurances.

The proposed amendment would require that an investment company's participation in the joint liability insurance policy be in the best interests of the investment company. The investment company's directors, in considering whether a purchase of a particular insurance policy would satisfy this standard, would have to consider whether such liability insurance policy has a valid business purpose,[8] whether such coverage appropriately should be purchased on an individual or joint basis,[9] and the identity of the insurer.[10]

Moreover, the allocation of premiums for the liability insurance policy must be fair and reasonable to the investment company. The investment company's directors, in considering whether purchase of a particular insurance policy would satisfy this standard, would have to compare the investment company's proportionate share of premiums under the proposed joint liability insurance policy with the aggregate amount which would have had to have been paid if the coverage were purchased separately by the insured parties.

Finally, the rule would require that at least annually the investment company's directors, including a majority of the directors who are not interested persons of the investment company,[11] find that the conditions described above have been satisfied.[12] The Commission believes that an investment company's directors are the appropriate persons to make such determinations in the first instance.[13]

Text of Proposed Rule

It is proposed to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations by adding paragraph (d)(7) to § 270.17d–1 as follows:

§ 270.17d–1 Applications regarding joint enterprises or arrangements and certain profit-sharing plans.

* * * * *

(d) * * *

(7) Any arrangement regarding liability insurance policies (other than a bond required pursuant to rule 17g–1 (§ 270.17g–1) under the Act); *Provided*, That

(i) The investment company's participation in the joint liability insurance policy is in the best interests of the investment company;

(ii) The proposed premium for the joint liability insurance policy to be allocated to the investment company, based upon its proportionate share of the sum of the premiums that would have been paid if such insurance coverage were purchased separately by the insured parties, is fair and reasonable to the investment company; and

(iii) The board of directors of the investment company, including a majority of the directors who are not interested persons with respect thereto, determine no less frequently than annually that the standards described in paragraphs (i) and (ii) have been satisfied.

Statutory basis: Rule 17d–1 is proposed to be amended pursuant to section 6(c) [15 U.S.C. 80a–6(c)], section 17(d), and section 38(a) [15 U.S.C. 80a–37(a)] of the Act.

By the Commission.

George A. Fitzsimmons,

Secretary.

May 16, 1979.

[FR Doc. 79–16046 Filed 5–22–79; 8:45 am]

BILLING CODE 8010–01–M

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[7] The Commission does not propose limiting the exemptive rulemaking to joint insurance arrangements regarding errors and omissions insurance only. Rather, it believes that, other than the bonding required by rule 17g–1, the question of whether any other type of joint insurance coverage is appropriate and necessary for any particular investment company's operation should be a matter within the discretion of that investment company's board of directors, provided that conditions prescribed in the proposed rule are satisfied.

[8] Of course, such insurance coverage would not have a valid business purpose if it would violate section 17(h) of the Act [15 U.S.C. 80a-17(h)], which provides that a director or officer may not be protected against any liability to an investment company or its security holders to which he would otherwise be subject by reason of his willful misfeasance, bad faith, gross negligence or reckless disregard of the duties involved in the conduct of his office.

See guidelines to Form N–8B–1, Investment Company Act Release No. 7221 p. 22, (June 9, 1972):

It is the staff's position that Section 17(h) does not prohibit the [investment company] from paying for insurance which protects the directors and officers against liabilities arising from action not involving willful misfeasance, bad faith, gross negligence, or reckless disregard of the duties involved in the conduct of their offices. The Staff would regard insurance paid for by the Registrant covering any of the enumerated categories as involving a violation of Section 17(h) unless it merely provided for payment to the registrant of any damages caused by a director or officer, and also provided that the insurance company would be subrogated to the rights of the registrant to recover from the director or officer. There would be no objection, however, to insurance policies which were paid for by the directors or officers themselves covering liabilities arising from the enumerated categories or activities.

[9] The question includes whether the investment company effectively would receive diminished coverage or more expensive coverage by virtue of being named on a joint insurance policy. See paragraph (g) of rule 17g–1, pertaining to agreements with other named insureds on sharing a fidelity bond recovery. Moreover, the identity of the other name insureds and their relationship to the investment company should be considered, although—because such insurance coverage is not required—the Commission would not limit the arrangement to persons having specific relationships to the investment company. Compare paragraph (b) of rule 17g–1.

[10] The insurer should not, under ordinary circumstances, be an affiliated person of the investment company or an affiliated person of such person. The Commission is concerned that an investment company's officers or directors should not be required to determine whether it is in the best interests of their investment company to pursue claims against an insurer with which they are associated. Additionally, the purchase of an insurance policy by an investment company from an insurer with which it is affiliated may raise serious questions under section 17(a) of the Act [15 U.S.C. 80a-17(a)]. See American General Exchange Fund, Investment Company Act Release No. 9991 (Nov. 4, 1977), 13 SEC Docket 696.

[11] The term "interested person" is defined in section 2(a)(19) of the Act [15 U.S.C. 80a-2(a)(19)].

[12] Assuming good faith and compliance with section 17(h) of the Act, supra, n. 8, the Commission does not believe that such directors necessarily should be disqualified from making these determinations solely by virtue of being a named insured party. Moreover, the Commission does not propose to require that the directors as a matter of course must secure the advice of independent experts in insurance matters in making these determinations, provided that the directors are supplied with the necessary information upon which to base their findings. Furthermore, because determining whether to purchase a joint liability insurance policy should be a single decision (rather than an unlimited number of discrete decisions), the Commission does not propose that this rule contain special recordkeeping requirements in connection with these determinations, although it expects that, consistent with the directors' fiduciary duties and requirements of general corporate law, minutes of board meetings at which such decisions are made would reflect fully the bases for these findings.

[13] In the event that a group or complex of investment companies share common directors, the shareholders of each investment company are entitled to have their directors determine whether the joint liability insurance policy is of benefit to each company as well as to the complex of investment companied as a whole. See, *The Vanguard Group, Inc.*, Initial Decision, Administrative Proceeding File No. 3–5281 (Nov. 29, 1978) at 36.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Ch. I]

[Docket Nos. RM78-12 and RM79-19]

Alaska Natural Gas Transportation System: Request for Further Submissions; Determination of Incentive Rate of Return, Tariff, and Related Issues; Treatment of Certain Production-Related Costs for Natural Gas To Be Sold and Transported

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Requesting Further Submission of Data, Views, and Comments.

SUMMARY: Comments received on a notice of proposed rulemaking issued April 6, 1979, in Docket No. RM78-12 (44 FR 22090; April 13, 1979) ("Determination of Incentive Rate of Return, Tariff, and Related Issues") have raised issues regarding the appropriate carbon dioxide content standard applicable to the Alaska Natural Gas Transportation System. The Commission has reason to believe that studies may have been undertaken which focus on these issues and therefore the Commission wishes to provide an opportunity for including these studies and any related material in the record of Docket No. RM78-12. In addition, because these studies may be relevant to consideration of Docket No. RM79-19 ("Treatment of Certain Production-Related Costs for Natural Gas to be Sold and Transported Through the Alaska Natural Gas Transportation System"), the Commission would have these studies submitted under that Docket as well for a determination of relevance and materiality.

DATES: Comments and studies to be submitted by June 1, 1979. Reply Comments to be submitted by June 15, 1979.

ADDRESSES: All filings should reference Docket No. RM78-12, and technical reports and studies submitted on or before June 1, 1979, should also reference Docket No. RM79-19. Responses should be addressed to: Office to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments and reply comments to be served pursuant to address supplied on the service list of Docket No. RM78-12.

FOR FURTHER INFORMATION CONTACT: John Adger, Director, Alaska Natural Gas Project Office, Federal Energy Regulatory Commission, 941 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-3827.

SUPPLEMENTARY INFORMATION: On April 6, 1979 the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking under Docket No. RM78-12. Comments received on this Notice, particularly those of the State of Alaska and the Sohio Natural Resources Company, have raised issues regarding the appropriate cabon dioxide content standard for natural gas entering the Alaska Natural Gas Transportation System. Alaska's comments (at page 70 characterize the carbon dioxide content issues in terms of "the trade-offs between capital and transportation costs from particular levels of CO2 carriage as well as the potentially greater carriage of liquids with a higher CO2 standard." Sohio's comments (at page 2) characterize the issues *inter alia* in terms of "optimizing the overall conditioning plant/transportation system."

The Commission's Alaskan Delegate has recently prepared a report on his system design inquiry. The report (at pages 62, 65-67) contains a section that discusses the carbon dioxide content standard for the Alaska segment of the system. The Delegate's report will shortly be issued for comment, in Docket No. CP78-123 *et al.*

The resolution of these questions may have a substantial economic effect. The Commission should have the benefits of all extent information and expert opinion bearing on the carbon dioxide content standard.

The Commission has reason to believe that studies may have been undertaken which specifically focus on these issues. These studies should be made a part of the record in Docket No. RM 78-12 and as such freely available to all participants in that Docket.[1] These studies should be submitted for the record by June 1, 1979.[2] In addition, parties having knowledge of these studies, as well as parties who wish to comment on the carbon dioxide content standard, should submit such additional views, data and comments as would permit the Commission to evaluate the relevance of these studies to the issues presented in Docket No. RM78-12. Copies of all studies, reports, data, comments and views should be served on all parties to Docket No. RM78-12, so as to afford those parties an opportunity to file reply comments.

The Commission does not intend consideration of these submissions to delay resolution of unrelated issues in Docket No. 78-12. Consequently, the Commission may issue an Order in Docket No. RM78-12 with respect to all other pending issues, but excepting from the Order resolution of the carbon dioxide content issue. In such an event, that issue would be resolved as soon thereafter as practicable.

The resolution of the carbon dioxide content standard may be germane to consideration of Docket No. RM79-19, and the Commission will make studies submitted in response to this Order part of the record in RM79-19. We reserve determination of whether such studies are relevant and material to the issues to be resolved in Docket No. RM79-19.

The Commission orders: (1) The comment period for Docket No. RM78-12 will be extended until June 15, 1979, for the sole purpose of providing the Commission with such technical reports or studies (and comment thereon) as may be available respecting the carbon dioxide content pipeline standard for the Alaska Natural Gas Transportation System. Any party or other person possessing such technical reports or studies is requested to file copies of them, on or before June 1, 1979, in Docket No. RM78-12. Copies of such technical reports and studies shall be served on all parties of record in Docket No. RM78-12.

(2) All parties to Docket No. RM87-12 are invited to submit, on or before June 1, 1979, comments, data and views with respect to the carbon dioxide content standard for the Alaska Natural Gas Transportation System. Copies of such comments, data and views should be served on all parties of record in Docket No. RM78-12.

(3) Parties to Docket No. RM87-12 may file reply comments, on or before June 15, 1979, in response to any studies, reports, comments, data or views

[1] In particular, the Commission requests that the following two studies be submitted for the record:

The Ralph M. Parsons Co.; "Supplementary Report, CO2 Specification Study, Sales Gas Conditioning Facility, Prudhoe Bay Alaska"; sponsored by Amerada Hess, ARCO, Mobil, Natural Gas Corp. of California, Northern Natural, Northwest Pipeline Corp., Pacific Interstate Transmission Co., Panhandle Eastern, Phillips Oil, Sohio, Tennessee Gas Pipeline Co., Texas Eastern, Texas Gas, Louisiana Land and Exploration Co., Transco, and United Gas; February 1979.

Northwest Alaskan Pipeline Co.; "CO2 Transportation Study"; sponsored by Natural Gas Corporation of California, Norhtern Natural, Northwest Pipeline Corp., Pacific Interstate Transmission Co., Panhandle Eastern, Texas Gas, Transco, and United Gas; February 1979.

[2] To the extent that several persons or parties may have possession of an the identical studies or reports, those persons and parties are encouraged to coordinate their submissions so as to avoid duplication.

submitted pursuant to this Order. Reply comments should be served on all parties in Docket RM78–12.

(4) All technical reports and studies, submitted (on or before June 1, 1979) in response to this Order shall be made a part of the record in Docket No. RM79–19, but the Commission reserves determination of whether such material is relevant and material to the issues pending for decision in that Docket.

(5) The above described limited extension of the comment period in Docket No. RM78–12 shall not preclude the Commission from issuing a final order in that Docket, with respect to any or all issues pending therein except for issues concerning the carbon dioxide content standard, at any time prior to the Commission's receipt or consideration of studies, reports, comments, views and data submitted in resonse to this Order.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16038 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

WATER RESOURCES COUNCIL

[18 CFR Ch. VI]

List of Significant Regulations Currently Underway

AGENCY: U.S. Water Resources Council.

ACTION: Notice of Significant Regulations.

SUMMARY: In accordance with Executive Order 12044, a list of significant regulations and rules that are under development or under review by the Water Resources Council is published herein.

FOR FURTHER INFORMATION CONTACT: Phyllis A. Smith, Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037, Phone: (202) 254–8290.

Accordingly the list of significant regulations or rules that are under development or under review are:

1. Water Projects Review Function, Proposed Rule and Procedures of Implementation.

2. State Water Management Program, Implementing Guidelines Currently Proposed as an Amendment to Title III of the Water Resources Planning Act of 1965.

3. Manual of procedures for Evaluating the Benefits and Costs of Federal Water Resources Projects.

Dated: April 5, 1979.

Leo M. Eisel,

Director.

[FR Doc. 79-16095 Filed 5-22-79; 8:45 am]

BILLING CODE 6410-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 141 and 142]

[T.D. 79-144]

Revised Customs Form to Facilitate Entry of Imported Merchandise

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Request for comments on proposed form.

SUMMARY: Pub. L. 95–410, the "Customs Procedural Reform and Simplification Act of 1978" made numerous changes in laws administered by the Customs Service relating to the entry of imported merchandise. A document proposing to amend the Customs Regulations to establish new procedures to reflect these changes was published in the **Federal Register** on November 29, 1978 (43 FR 55774). This document informs the public that to facilitate the entry of imported merchandise, Customs proposes to introduce by October 1, 1979, a revised Customs Form 7501, the "Entry/Entry Summary", to replace several existing forms. A copy of the form and a chart showing the data blocks and other explanatory material are appended to the document. Customs requests comments from the public relating to this form.

DATE: Comments must be received on or before June 22, 1979.

ADDRESS: Written comments may be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2335, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: William Wagner, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5307).

SUPPLEMENTARY INFORMATION:

Background

Public Law 95–410 (92 Stat. 888), the "Customs Porcedural Reform and Simplification Act of 1978", approved October 3, 1978 (the "Act"), made significant changes in the Customs laws relating to the entry of imported merchandise. A notice of proposed rulemaking to amend the Customs Regulations to establish new procedures to reflect these changes was published in the **Federal Register** on November 29, 1978 (43 FR 55774). Comments received in response to that notice are being evaluated, and appropriate amendments in final form are being prepared for publication.

The entry of imported merchandise is a two-part process consisting of (1) filing the documentation necessary to determine whether merchandise may be released from Customs custody, and (2) filing documentation which contains information for duty assessment and statistical purposes.

As explained in the notice of proposed rulemaking, "entry" means that documentation required to be filed with the appropriate Customs officer to secure the release of imported merchandise from Customs custody, or the act of filing that documentation. "Entry summary" means any other documentation necessary to enable Customs to assess duties, to collect statistics on imported merchandise, and to determine whether other requirements of law or regulation are met. The entry summary documentation is required to be filed at the time prescribed by regulation, either at the time of entry, or at any time within 10 days thereafter.

The rulemaking stated (proposed § 142.3(a)(1), Customs Regulations), that Customs Form 3461, used currently as an application for a special permit for immediate delivery, appropriately modified, or Customs Form 7533, appropriately modified, in place of Customs Form 3461 for merchandise imported from a contiguous country, would be utilized as an entry document. The rulemaking (proposed section 142.11(a)) also stated that (1) current Customs Form 7501, for merchandise formally entered for consumption or under a temporary importation bond, (2) Customs Form 3311, for merchandise which may be entered free of duty under Part 10 of the Customs Regulations, or (3) Customs Form 7502, for warehouse entries, would be used as the entry summary.

The rulemaking (proposed § 142.3(b)), also stated that when an entry summary is filed at time of entry, Customs Form 3461 or 7533 would not be required, and Customs Form 7501, 7502, or 3311, as appropriate, would serve as both the entry and entry summary.

Accordingly, under the regulations proposed in the November 29, 1978, notice, various Customs forms would be used to accomplish the entry of

imported merchandise, depending on the circumstance. However, in light of the changes in entry procedures necessitated by the Act, it would be beneficial to the importing community if a new Customs form were developed to facilitate the two-part process of entering imported merchandise. At the same time, other Customs forms either would be replaced or limited in use.

The purpose of this document is to inform the public that Customs proposes to introduce a revised Customs Form 7501 for use on October 1, 1979, and to request public comments relating to this form and its use. A copy of the form and a chart showing the data blocks and other explanatory material are appended. After considering the comments received, Customs will publish a document in the **Federal Register** setting forth instructions and procedures to complete and file the form and make appropriate conforming amendments to the Customs Regulations.

The revised entry document, Customs Form 7501, would be entitled the "Entry/Entry Summary" to emphasize the two-part process for entering imported merchandise. It would be the same size as the current Customs Form 7501.

It is contemplated that the new Customs Form 7501 will replace the following:

1. Customs Form 7501, 7501A, 7501B, 7501C, the "Consumption Entry";
2. Customs Form 7502, 7502A, 7502B, 7502C, the "Warehouse or Rewarehouse Entry";
3. Customs Form 5101, the "Entry Record"; and
4. Customs Form 5119A, "Informal Entry".

It also is contemplated that the new Customs Form 7501 would limit the use of Customs Form 3461, "Immediate Delivery Application".

The following forms would continue to be used as at present:

1. Customs Form 3311, "Declaration For Free Entry of Returned American Products and/or Certificate of Exportation";
2. Customs Form 7505, "Warehouse Withdrawal For Consumption";
3. Customs Form 7506, "Warehouse Withdrawal, Conditionally Free of Duty";
4. Customs Form 7512, "Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit";
5. Customs Form 7519, "Combined Rewarehouse Entry and Withdrawal for Consumption, and Permit";
6. Customs Form 7521, "Entry for Bonded Manufacturing Warehouse, and Permit";
7. Customs Form 7523, "Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release"; and
8. Customs Form 7533, "Inward Cargo Manifest for Vessel Under Five Tons, Ferry, Train, Car, Vehicle, Etc.".

Information needed to complete the new Customs Form 7501 would be provided either at the time of filing the entry documentation or at the time of filing the entry summary. However, when the entry summary would serve as both the entry and entry summary, all of the required data would be filed at the time of entry.

The data would be required to be provided to Customs by one of the following:

1. Nominal consignee,
2. Consignee, or
3. Agent of the consignee.

Comments

Consideration will be given to any written comments, preferably in triplicate, submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Room 2335, Washington, D.C. 20229.

Action

Customs proposes to implement the revised Customs Form 7501, if approved by the Office of Management and Budget, on October 1, 1979. Prior to that time, Customs will review the comments received and publish a document in the **Federal Register** setting forth instructions and procedures to complete and file the form and proposing appropriate amendments to the Customs Regulations.

Authority

(R.S. 251, as amended (19 U.S.C. 66), section 484, 46 Stat. 722, as amended (19 U.S.C. 1484), Public Law 95-410, 92 Stat. 888 (October 3, 1978))

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: May 14, 1979.

Leonard Lehman,

Acting Commissioner of Customs.

BILLING CODE 4810-22-M

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
19 CFR 10.31, 10.32, 10.104, 141.61, 141.68, 141.1

ENTRY/ENTRY SUMMARY

8

CENSUS USE ONLY			
2. BLOCK AND FILE NO.	VESSEL FLAG	1. ENTRY TYPE CODE	ENTRY NO. AND DATE
	CARRIER CODE	2. PORT OF ENTRY CODE	
FOREIGN PORT OF LADING	U.S. PORT OF UNLADING	3. LOCATION OF GOODS	

THIS SPACE FOR BROKER'S USE (OPTIONAL)

8

4. BROKER FILE NO.

5. IMPORTER OF RECORD (A. Name and Address)

6. FOR ACCOUNT OF (A. Name and Address)

(B. Account No.) (C. Bond Number) (D. Surety) (E. Account No.) (C. Broker Account No.)

Form Approved: OMB No.

7. IMPORTER REFERENCE

8. B/L OR AWB NO.

9. PREVIOUS TRANSACTION NO./DATE/CARRIER/PORT

CUSTOMS USE ONLY

10. NO. OF INVOICE PAGES 11. NO. OF PKGS.

12. VALUE

13. IMPORTING VESSEL (Name & Flag) OR CARRIER

14. TRANS. MODE

15. CONTAINER NUMBER(S)/CODE(S)

16. MANIFEST NO.

17. CARTMAN/BONDED WAREHOUSE

18. FOREIGN PORT OF LADING

19. DATE OF EXPORT

20. EXPORTING COUNTRY

21. U.S. PORT OF UNLADING

22. DATE OF PURCHASE

23. RELATIONSHIP

SUMMARY DATE

24. MARKS & NUMBERS OF PACKAGES; COUNTRY OF ORIGIN OF MERCHANDISE	25. (P) PEXT (C) CHGS (E) EPEX	26. ENTERED VALUE	27. DESCRIPTION OF MERCHANDISE: 27A NET QUANTITY IN T.S.U.S.A. UNITS	27B GROSS WEIGHT IN POUNDS	27C T.S.U.S.A. NUMBER	28. TARIFF OR I.E.C. RATE	29. DUTY & I.R. TAX: Dollars	Cents

30. REMARKS/OTHER GOVT. AGENCY DATA

31. TOTALS: A. DUTY; B. I.R. TAX; C. COLLECTION

I declare that I am the

☐ nominal consignee and that the actual owner for customs purposes is as shown above, or ☐ consignee or agent of the consignee.

I further declare that the merchandise ☐ was or ☐ was not obtained in pursuance of a purchase or agreement to purchase. I also include in my declaration all the statements in the declaration on the back of this entry.

32. AUTHENTICATION

33. DATE

34. TITLE

35. ADDRESS

CUSTOMS FORM 7501 (12-18-78)

RECORD OF CARTAGE OR LIGHTERAGE

Delivered to Cartman or Lighterman in apparent good condition except as noted below.

CONVEYANCE	QUANTITY	DATE	INSPECTOR	RECEIVED (Cartman or Lighterman)	RECEIVED (Date) (Warehouse Prop.)
TOTAL:		Warehouse Officer			

REPORT OF EXCEPTIONS, OR OF WEIGHT, GAUGE OR MEASURE; OR OTHER PERTINENT INFORMATION.

(All reports hereon must be dated and signed by the reporting officer)

Date Signature and Title

DECLARATION OF NOMINAL CONSIGNEE, CONSIGNEE, OR AGENT OF CONSIGNEE

To the best of my knowledge and belief, all statements appearing in this entry and in the invoice or invoices and other documents presented herewith and in accordance with which the entry is made, are true and correct in every respect; the entry and invoices set forth the true prices, values, quantities, and all information as required by the laws and the regulations made in pursuance thereof; the invoices and other documents are in the same state as when received; I have not received and do not know of any other invoice, paper, letter, document, or information showing a different currency price, value, quantity, or description of the said merchandise, and if at any time hereafter I discover any information showing a different state of facts I will immediately make the same known to the District Director of Customs at the port of entry.

If the merchandise is entered by means of a seller's or shipper's invoice, no customs invoice for any of the merchandise covered by the said seller's or shipper's invoice can be produced due to causes beyond my control. If the merchandise is entered by means of a statement of the value or the price paid in the form of an invoice, it is because neither seller's, shipper's, nor customs invoice can be produced at this time.

CARRIER'S CERTIFICATE AND RELEASE ORDER	The undersigned carrier, to whom or upon whose order the articles described herein or in the attached document must be released, hereby certifies that the consignee named in this document is the owner or consignee of such articles within the purview of section 484(h), Tariff Act of 1930. In accordance with the provisions of section 484(j), Tariff Act of 1930, authority is hereby given to release the articles covered by the aforementioned statement to such consignee.	Date (Name of carrier) (Agent)

AUTHORITY TO MAKE ENTRY FOR PORTION OF CONSOLIDATED SHIPMENT

The merchandise covered by this entry or such portion thereof as may be specifically indicated was shipped by ..... consigned to ..... endorsed to ..... covered by *..... dated ..... at ..... on file with the district director of customs at .....

I / We } ..... the consignee in the above mentioned document covering merchandise for various ultimate consignees, hereby authorize ..... or order to make customs entry for the merchandise.

(Consignee)

(Transfer of the above authority may be made by endorsement here.)

* Insert "Bill of lading," "Certified duplicate bill of lading," "Carrier's certificate," or "Shipping receipt."

Notes:

For information relative to the preparation and filing of a customs entry see UNITED STATES CUSTOMS REGULATIONS and TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED.

The rates of duty used in this entry are not binding for future imports. Section 177.1, Customs Regulations, tells how to obtain binding rates.

FOR INFORMAL ENTRY USE ONLY SHADED BLOCKS AND COLUMNS

WHEN THIS FORM IS USED AS AN INFORMAL ENTRY— Liquidation of amount of duties and taxes, if any, due on this entry is effective on date of payment of this amount. For importer's right to protest or Government's right to redetermine this amount, see sections 514 and 520, T.A. 1930, and sections 174.12 and 173.2, Customs Regulations. Protest must be accompanied by this receipt or a photostat copy thereof.

CUSTOMS FORM 7501 PAGE 2

BILLING CODE 4810-22-C

Page 1 of Customs Form 7501 (Revised)

The unnumbered block at the top left of the form, "Census Use Only", would be reserved for the Bureau of Census to gather appropriate statistics for processing purposes. The unnumbered block at the top center of the form, "Entry No. and Date", would be used to designate the Customs assigned entry number and date for the particular entry of merchandise. The unnumbered block at the top right of the form, "This Space for Broker's Use (optional)", would be reserved for the use of the broker. The unnumbered block along the right side of the form, "Customs Use Only", is reserved for Customs use.

Block and title	Description	Present customs form	When to be filed	Mandatory or optional
1. Entry Type code	Two-digit number (code to be exclude informal entries).	3461, 5101, 5119A.	Entry	Mandatory.
2. Port of Entry Code	District and port code as indicated in Annex A of TSUSA. Example: 10-01 is the Port of New York Seaport.	7501, 7502, 5119A.	Entry	Mandatory.
3. Location of Goods	Pier, dock, warehouse, Foreign Trade Zone, etc.	3461, 7501, 7502.	Entry	Mandatory.
4. Broker File No	Broker's reference number for the importation.	3461	Entry	Optional.
5. Importer of Record:				
(A. Name & Address)	Name and address, including Zip Code	7501, 7502, 5119A.	Entry	Mandatory.
(B. Account No.)	IRS No., social security No., or Customs assigned No. of importer of record.	5101	Entry	Mandatory.
(C. Bond No.)	Same code as on CF 5101	5101	Entry	Mandatory.
(D. Surety)	Identifying surety No. For A.B.I.S	5101	Entry	Mandatory.
6. For Account of:				
(A. Name & Address)	Name and address, including Zip Code	7501, 7502	Entry	Mandatory if applicable.
(B. Account No.)	IRS No., social security No., or Customs assigned No, of party shown in 6A.	5101	Entry	Mandatory if applicable.
(C. Broker Account No.)	Customs assigned No. to indicate broker	New	Entry	Mandatory if applicable.
7. Importer Reference	Importer No. of individual or firm to who refunds, bills, or notices of liquidation are to be sent if other than importer or record.	5101	Entry	Optional.
8. B/L or AWB No	Obtain from import documentation	3461, 7501, 7502, 5119A.	Entry	Mandatory.
9. Previous Transaction No./Date/Carrier/Port.	Previous Customs status of merchandise. Example: IT Entry #776824 filed August 20, 1978, by (carrier) at port of Baltimore, Md.	3461, 7501, 7502, 5119A.	Entry	Mandatory if applicable.
10. No. of Invoice Page	Total No. of invoice pages	3461	Entry	Mandatory.
11. No. of Pkgs	Total No. of packages in shipment	3461	Entry	Mandatory.
12. Value	Total invoice value	3461	Entry	Mandatory.
13. Importing Vessel (Name & Flag) or Carrier.	Name of vessel or airline and country in which vessel or airline is registered.	3461, 7501, 7502, 5119A.	Entry	Mandatory.
14. Trans. Mode	Method of transportation in terms of how imported article first entered the U.S. Example: vessel, air, truck, railroad, pipeline, ferry, mail (surface and air), etc.	New	Entry	Mandatory.
15. Container Number(s)/Code(s)	Each container number in columns	New	Entry	Mandatory if applicable.
16. Manifest No	Obtained from carrier	New	Entry	Mandatory.
17. Cartman*/Bonded Warehouse	*Name of cartman (new) and/or bonded warehouse.	New*, 7502	Entry	Mandatory if applicable.
18. Foreign Port of Lading	Name of foreign port at which the merchandise was *actually loaded* for exportation to the U.S.	3461, 7501, 7502.	Entry	Mandatory.
19. Date of Export	Month, day, year on which the carrier departed the last port of the country of exportation bound for the U.S..	7501, 7502	Entry	Mandatory.
20. Exporting Country	Name of country from which the merchandise imported.	7501, 7502, 5119A.	Entry	Mandatory.
21. U.S. Port of Unlading	U.S. port at which the merchandise was first unloaded.	7501, 7502	Entry	Mandatory.
22. Date of Import	Month, day, year on which the carrier arrived within port limits of U.S. with intent to unlade.	7501, 7502, 5119A.	Entry	Mandatory.
23. Relationship	Indicate "related" or "not related"	7501, 7502	Entry	Mandatory.
24. Marks & Numbers of Packages; Country of Origin of Merchandise.	Self-explanatory	7501, 7502, 5119A.	Entry summary.	Mandatory.
25. (P) PEXT (C) CHGS, (E) EPEX	FOB/CIF statistical data	7501, 7502	Entry summary.	Mandatory.
26. Entered Value	Entered value for TSUSA reporting number	7501, 7502, 5119A.	Entry summary.	Mandatory.

Block and title	Description	Present customs form	When to be filed	Mandatory or optional
27. Description of Merchandise:				
27A Net Quantity in TSUSA Units.	Unit of quantity as specified in TSUSA	7501, 7502, 5119A.	Entry summary.	Mandatory.
27B. Gross Weight in Pounds.	Self-explanatory	7501, 7502	Entry summary.	Mandatory.
27C. TSUSA Number	Self-explanatory	7501, 7502, 5119A.	Entry summary.	Mandatory.
28. Tariff or I.R.C. Rate	Self-explanatory	7501, 7502, 5119A.	Entry summary.	Mandatory.
29. Duty & I.R. Tax	Self-explanatory	7501, 7502, 5119A.	Entry summary.	Mandatory.
30. Remarks/Other Govt. Agency Data*.	Importer/broker space to indicate missing documents, etc.; *also indication of any other U.S. Government agency requirements that must be met (new).	7501, 7502, New*.	Entry summary.	Mandatory.
31 Totals:				
A. Duty	Total amount of duties	7501, 7502, 5119A, 5101.	Entry summary.	Mandatory.
B. I.R. Tax	Total amount of I.R. tax	7501, 7502, 5119A, 5101.	Entry summary.	Mandatory.
C. Collection	Total amount of all duties and I.R. tax	7501, 7502, 5119A.	Entry summary.	Mandatory.
32. Authentication	Name and signature of declarant	3461, 7501, 7502, 5119A, 5101.	Entry, entry summary.	Mandatory.
33. Date	Date declaration is signed	3461, 7501, 7502.	Entry, entry summary.	Mandatory.
34. Title	Title of individual signing block 32	7501,7502	Entry, entry summary.	Mandatory.
35. Address	Address of individual signing block 32	7501, 7501	Entry, entry summary.	Mandatory.

The declaration on the bottom left corner of the form, presently appearing on Customs Forms 7501 and 7502, is required to be completed at the time of filing the entry summary.

Page 2 of Customs Form 7501 (Revise)

The "Record of Cartage or Lighterage", presently on Customs Form 7502A (Permit), would be completed when merchandise is to be transferred from the place of unlading to a bonded warehouse. When completed other than by a Customs officer, it would be done in the presence of, and certified by, the Customs officer.

The "Report of Exceptions, or of Weight, Gauge, or Measure: or Other Pertinent Information" is to be completed by a Customs officer as needed when there is an invoice discrepancy, or to provide proper weight, gauge, or measure for classification and control purposes.

The "Carrier's Certificate and Release Order", presently appearing on Customs Forms 7501 and 7502, is required to be completed, if applicable, at the time of filing entry documentation.

The "Authority to Make Entry for Portion of Consolidated Shipment", presently appearing on the Customs Forms 7501 and 7502, is required to be completed, if applicable, at the time of filing entry documentation.

[FR Doc. 79-15860 Filed 5-22-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 625]

[FHWA Docket No. 78-10, Notice 3]

Design Standards for Highways, Status and Proposed Action

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice regarding status of proposed rule.

SUMMARY: The Federal Highway Administration is issuing this Notice to provide information regarding the status of its rulemaking action on design criteria for the Resurfacing, Restoration, and Rehabilitation (RRR) of streets and highways other than freeways.

FOR FURTHER INFORMATION CONTACT: Rex Leathers, Office of Engineering, 202-426-0370; or Lee J. Burstyn, Office of the Chief Counsel, 202-426-0754, Federal Highway Administration, 400 Seventh Street, SE., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

Section 108(a)(1) of the Federal-Aid Highway Act of 1976 amended 23 U.S.C. § 101(a) by redefining "construction" to include Resurfacing, Restoration, and Rehabilitation. To implement this provision, the FHWA published an advance notice of proposed rulemaking (ANPRM) on August 25, 1977, (42 FR

42876) soliciting input on three alternatives as well as other approaches which might be suggested. A notice of withdrawal of the ANPRM was published in the **Federal Register** on January 9, 1978, (43 FR 2734). Because of the diversity of the comments, all alternatives were rejected. A notice of proposed rulemaking (NPRM) expressing RRR design criteria was then published in the **Federal Register** on August 23, 1978, (43 FR 37556). The comment period on the NPRM suggested design criteria for RRR was extended once and closed on January 4, 1979.

Status and Proposed Action

Over 100 comments on the RRR notice of proposed rulemaking were received from interested parties. Practically all commentors had substantive but differing views concerning the rulemaking action. Because of the great interest and complexity of this matter, the FHWA management established internal working groups to assist in fully evaluating the proposed action and other feasible approaches. The groups will make recommendations as to what course of action should next be taken as part of this rulemaking activity. The working groups include representatives from the various FHWA offices and are addressing the following tasks: (1) Preparation of a summary of Docket No. 78–10 comments, (2) evaluation of Docket No. 78–10 comment, including those which suggest alternative procedures to separate RRR standards and an evaluation of these procedures, (3) preparation of a Regulatory Analysis required by Executive Order 12044 on Improving Government Regulations, and (4) based upon comments received and impact analysis, preparation of options for the Administrator's decision.

Before taking action upon the NPRM criteria, the FHWA will fully assess comments received, along with the safety, cost, and social impacts of the rulemaking suggestion. Although it is now premature to judge what action will next be taken regarding design standards for the RRR program, future Federal Register entries will address the comments received and the FHWA response. The Regulatory Analysis will be available for public review once the next action is taken on this subject by the agency.

(23 U.S.C. 109, 315; 49 CFR 1.48(b))

Issued on May 16, 1979.

John S. Hassell, Jr.,

Deputy Administrator.

[FR Doc. 79-16094 Filed 5-22-79; 8:45 am]

BILLING CODE 4910-22-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[24 CFR Part 1917]

[Docket No. FI-5485]

Proposed Flood Zone Designation for the City of Excelsior, Minn., Under the National Flood Insurance Program

AGENCY: Office of Federal and Hazard Mitigation, FEMA.[1]

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 Mayor's Office, 339 3rd Street, Excelsior, Minnesota.

Send comments to: The Honorable Jerry Johnson, Mayor of Excelsior, 339 3rd Street, Excelsior, Minnesota 55331.

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 Excelsior, 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 Section 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 rated for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone and elevation designations are:

Source of flooding	Location	Zones and elevations
Gideon Bay	Shoreline to corporate limits	A2 (EL 931) NGVD.
Lake Minnetonka	Shoreline to corporate limits	A2 (EL 931) NGVD.
Excelsior Bay	Shoreline to corporate limits	A2 (EL 931) NGVD.
St. Albans Bay	Shoreline to corporate limits	A2 (EL 931) NGVD.

(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 16, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15878 Filed 5-22-79; 8:45 am]

BILLING CODE 4210-01-M

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[1] 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).

[24 CFR Part 1917]

[Docket No. FI-5486]

Proposed Flood Elevation Determinations for the Commonwealth of Puerto Rico Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Commonwealth of Puerto Rico. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

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 Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico. Send comments to: Mr. Boris Oxman, Coordinator for National Flood Insurance Program, Puerto Rico Planning Board, Minillas Government Center, 14th Floor, Box 41119, Santurce, Puerto Rico 00940.

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 determinations of base (100-year) flood elevations for the Commonwealth of Puerto Rico, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 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 requirementrs. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of Flooding	Location	Elevation in meters above mean sea level
Rio Guayanilla	At Mouth	1.8
	Highway 127 (Most downstream crossing) [1]	10.0
	Highway 127 (Second crossing) [1]	13.0
	Highway 2—35 meters [2]	24.0
Rio Macana	At Mouth	1.8
	Highway 127—40 meters [3]	3.5
	Highway 2—20 meters [3]	9.0
Rio Cibuco	Puerto Rico Highway 688—100 meters [3]	6.0
	Puerto Rico Highway 2—50 meters [3]	8.7
	Puerto Rico Highway 676—80 meters [3]	10.0
	Puerto Rico Highway 675—50 meters [3]	16.6
	2nd Unnamed Road—50 meters [3]	20.4
Rio Indio	Puerto Rico Highway 160—50 meters [3]	12.1
Quebrada Honda	Puerto Rico Highway 2—65 meters [3]	21.0
	Calle Calandra—50 meters [3]	29.5
	Puerto Rico Highway 2—50 meters [3]	42.5
	Puerto Rico Highway 2—50 meters [3]	47.2
Rio De Los Negros	Puerto Rico Highway 159—50 meters [3]	77.9
	Puerto Rico Highway 807—10 meters [3]	80.0
Rio Morovis	Weir—20 meters [3]	181.5
	Weir—40 meters [3]	186.0
	Puerto Rico Highway 617—15 meters [3]	189.6
Arecibo River	Puerto Rico Highway 2 (1st crossing)—.05 meters [1]	3.8
	Puerto Rico Highway 2 (2nd crossing)—.08 meters [1]	7.8
	Confluence with Tanama River [3]	11.6
Cano Tiburnones	Confluence with Atlantic Ocean [3]	1.3
Atlantic Ocean	Coastal Areas	1.6
Rio Orocovis	Puerto Rico Highway 155 (First Bridge) [1]	487.2
	Confluence with Quebrada Los Sallos.	497.7
	Puerto Rico Highway 155 (Second Bridge) [1]	499.6

[1] At centerline.
[2] Upstream from centerline.
[3] Downstream from centerline.

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

Issued: May 16, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-15877 Filed 5-22-79; 8:45 am]

BILLING CODE 421001-M

[1] 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).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-5077]

National Flood Insurance Program; Proposed Flood Elevation Determination for the Village of Geneva-on-the-Lake, Ashtabula County, Ohio

Correction

In FR Doc. 79-3422, appearing in the issue of Monday, February 5, 1979, on page 6940 in the third column, in the table, correct the first four lines of the fourth entry to read as follows:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
* * * * *		
Unnamed Stream No. 2	Mouth at Lake Erie	576
	Just upstream from abandoned bridge 2200 feet upstream from Lake Erie.	580

BILLING CODE1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1 and 601]

[LR-206-78]

Proposed Residential Energy Credit Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the residential energy credit. Changes to the applicable tax law were made by the Energy Tax Act of 1978. These regulations provide the public with guidance needed for determining whether a residential energy credit is available with respect to certain expenditures.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 23, 1979. The amendments are proposed to be effective with respect to expenditures made after April 19, 1977, and before January 1, 1986.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Walter H. Woo of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3734).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 44C and 1016 of the Internal Revenue Code of 1954 and to the Statement of Procedural Rules (26 CFR Part 601). These amendments are proposed to conform the regulations to section 101 of the Energy Tax Act of 1978 (92 Stat. 3174) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

In General

The Energy Tax Act of 1978 provides a residential energy credit for insulation, certain other energy-conserving components, and certain renewable energy source property expenditures made in connection with the taxpayer's principal residence. In the case of insulation and other energy-conserving components, the credit is 15 percent of the first $2,000 of expenditures, or a maximum credit of $300. In the case of solar, wind, and geothermal energy property, the credit is 30 percent of the first $2,000 of expenditures and 20 percent of the next $8,000 of expenditures, for a maximum credit of $2,200.

The taxpayer must reduce the maximum amount of allowable expenditures with respect to the dwelling unit to be used in computing the credit by the prior expenditures which were made by the taxpayer, and which were taken into account in computing the credit for prior taxable years. If two or more individuals occupied and used a dwelling unit as their principal residence during any calendar year, the amount of the credit is to be determined by treating all of the joint occupants as one taxpayer.

The credit applies only to expenditures made on or after April 20, 1977, and before January 1, 1986. A credit with respect to expenditures made during 1977 (*i.e.*, on or after April 20) is to be claimed on the taxpayer's 1978 tax return. In the case of insulation and other energy-conserving component expenditures, the credit is available only with respect to principal residences the construction (including reconstruction) of which was substantially completed before April 20, 1977. To the extent that the credit exceeds the taxpayer's tax liability, the taxpayer is allowed to carry over the unused credit to subsequent taxable years beginning before January 1, 1988.

Energy-Conserving Components

The proposed regulations provide that in order for an item to come within the definition of insulation the item must be specifically and primarily designed to reduce, when installed in or on a dwelling or on a water heater, the heat loss or gain of the dwelling or water heater. Items whose primary purpose is not insulation such as carpeting, drapes, and siding are not considered to be insulation. Proposed paragraph (d) of § 1.44C-2 provides definitions of the items specified in section 44C(c)(4)(A) that may qualify as other energy-conserving components.

Renewable Energy Source Property

Proposed paragraph (e) of § 1.44C-2 defines "renewable energy source property" to include solar, wind, and geothermal energy property. Renewable energy source property does not include heating and cooling systems ("back-up" systems) that employ a form of energy other than solar, wind, or geothermal energy to supplement renewable energy source equipment. The proposed regulations define solar energy property as equipment and materials that transmit or use solar energy directly to heat or cool the dwelling or to provide hot water for use within the dwelling. It should be noted that only the materials and components whose sole purpose is to transmit or use solar radiation are considered as solar energy property. Accordingly, materials and components which also have a significant structural function in the dwelling do not qualify. Wind and geothermal energy property are also defined in the proposed regulations. The Secretary of the Treasury is authorized to add to the list of renewable energy sources. The proposed regulations provide that an energy source will be considered for addition to the list only if it is an inexhaustible energy source. Thus, for example any fuel or energy source that qualifies for depletion will not be considered for addition to the list.

Recordkeeping Requirements

Proposed paragraph (d) of § 1.44C-3 provides that a residential energy credit will not be allowable unless the taxpayer maintains records that clearly identify the items of energy conservation or renewable energy source property and substantiate the cost to the taxpayer of the property, any labor costs properly allocable to the property paid for by the taxpayer, and the method used for allocating the labor costs.

Certification Procedures and Procedures for Addition to the List of Energy-Conserving Components or Renewable Energy Sources

Proposed § 1.44C-5 outlines the procedure to be followed by a manufacturer of an item seeking: (1) Certification that an item meets the definition of an energy-conserving component or of renewable energy source property, or (2) approval for addition of an item to the list of approved energy-conserving components or renewable energy sources. Certification that an item meets a regulatory definition does not, however, insure that the item satisfies any applicable performance and quality standards. These standards are currently being developed, and will be the subject of a separate notice of proposed rulemaking.

In the case of applications for addition of an item to the list of approved energy-conserving components or renewable energy sources, manufacturers are to include in their applications data establishing that the item meets the applicable criteria set forth in paragraph (c) of proposed § 1.44C-5. If an application for addition of an item to a qualifying list is approved by the Secretary of the Treasury, the addition will become effective on the date a Treasury decision amending the regulations to effect the addition is published in the **Federal Register.**

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written

comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is Walter H. Woo of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style. In addition, personnel from the Department of Energy were consulted with respect to technical and policy issues arising under the Act.

Proposed Amendments to the Regulations

The proposed amendments to the Income Tax Regulations (26 CFR Part 1) and the Statement of Procedural Rules (26 CFR Part 601) are as follows:

PART I—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

[26 CFR Part 1]

Paragraph 1. There are inserted immediately after § 1.44–5 the following new sections:

§ 1.44C–1 Residential energy credit.

(a) *General rule.* Section 44C provides a residential energy credit against the tax imposed by chapter 1 of the Internal Revenue Code. The credit is an amount equal to the individual's qualified energy conservation expenditures (set out in paragraph (b)) plus the individual's qualified renewable energy source expenditures (set out in paragraph (c)) for the taxable year. However, the credit is subject to the limitations described in paragraph (d) and the special rules contained in § 1.44–3. The credit is nonrefundable (that is, the credit may not exceed an individual's tax liability for the taxable year). However, any unused credit may be carried over to succeeding years to the extent permitted under paragraph (e). Renters as well as owners of a dwelling unit may qualify for the credit. See § 1.44C–3 (h) for the rules relating to the allocation of the credit in the case of joint occupants of a dwelling unit.

(b) *Qualified energy conservation expenditures.* In the case of any dwelling unit, the qualified energy conservation expenditures are 15 percent of the energy conservation expenditures made by the taxpayer with respect to the dwelling unit during the taxable year, but not in excess of $2,000 of such expenditures. See § 1.44C–2 (a) for the definition of energy conservation expenditures.

(c) *Qualified renewable energy source expenditures.* In the case of any dwelling unit, the qualified renewable energy source expenditures are the renewable energy source expenditures made by the taxpayer with respect to the dwelling unit during the taxable year, but not in excess of—

(1) 30 percent of the expenditures up to $2,000, plus

(2) 20 percent of the expenditures over $2,000, but not more than $10,000.

See § 1.44C–2 (b) for the definition of renewable energy source expenditures.

(d) *Limitations—(1) Minimum dollar amount.* No residential energy credit shall be allowed with respect to any return (whether joint or separate) for any taxable year if the amount of the credit otherwise allowable (determined without regard to the tax liability limitation imposed by paragraph (d)(3) of this section) is less than $10.

(2) *Prior expenditures taken into account*—(i) *In general.* For purposes of determining the credit for expenditures made during a taxable year, the taxpayer must reduce the maximum amount of allowable expenditures with respect to the dwelling unit in computing qualified energy conservation expenditures (under paragraph (b)) or qualified renewable energy conservation expenditures (under paragraph (c)) by prior expenditures which were made by the taxpayer or by joint occupants (see § 1.44C–3(h)) with respect to the same dwelling unit, and which were taken into account in computing the credit for prior taxable years. The reduction of the maximum amount under paragraph (c) must first be made with respect to the first $2,000 of expenditures (to which a 30 percent rate applies) and then with respect to the next $8,000 of expenditures (to which a 20 percent rate applies). This reduction must be made if all or any part of the credit was allowed in or was carried over from a prior taxable year.

(ii) *Change of principal residence.* A taxpayer is eligible for the maximum credit for qualifying expenditures made with respect to a new principal residence notwithstanding allowance of a credit for qualifying expenditures made with respect to the taxpayer's previous principal residence. Furthermore, except in certain cases involving joint occupancy (see § 1.44C–3(h)), a taxpayer is eligible for the maximum credit notwithstanding the allowance of a credit to a prior owner of the taxpayer's new principal residence.

(iii) *Example.* The rules with respect to the reduction for prior expenditures are illustrated by the following example:

Example. In 1978, A has $1,000 of energy conservation expenditures and $5,000 of renewable energy source expenditures in connection with A's principal residence. A's residential energy credit for 1978 is $1,350, made up of $150 of qualified energy conservation expenditures (15 percent of $1,000) plus $1,200 of qualified renewable energy source expenditures (30 percent of the first $2,000 plus 20 percent of the next $3,000). In 1979 A has an additional $2,000 of energy conservation expenditures and $3,000 of renewable energy source expenditures in connection with the same principal residence. A's residential energy credit for 1979 is $750, made up of $150 of qualified energy conservation expenditures (15 percent of the new maximum $1,000, which was reduced from $2,000 by $1,000 of energy conservation expenditures taken into account in 1978) plus $600 of qualified renewable energy source expenditures (20 percent of $3,000, which reflects the reduction of the maximum allowable expenditures by the $5,000 of renewable energy source expenditures taken into account in 1978). The maximum residential energy credit allowable to A with respect to the same principal residence in subsequent years in which the credit is allowable is $400 (20 percent of the new maximum of $2,000 for renewable energy source expenditures and none for energy conservation expenditures).

(3) *Tax liability limitation.* The credit allowed by this section shall not exceed the amount of the tax imposed by chapter 1 of the Internal Revenue Code of 1954 for the taxable year, reduced by the sum of the credits allowable under—

(i) Section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds),

(ii) Section 33 (relating to the taxes of foreign countries and possessions of the United States),

(iii) Section 37 (relating to retirement income),

(iv) Section 38 (relating to investment in certain depreciable property),

(v) Section 40 (relating to expenses of work incentive programs),

(vi) Section 41 (relating to contributions to candidates for public office),

(vii) Section 42 (relating to the general tax credit),

(viii) Section 44 (relating to purchase of new personal residence),

(ix) Section 44A (relating to expenses for household and dependent care services), and

(x) Section 44B (relating to employment of certain new employees).

(e) *Carryover of unused credit.* If the credit allowable by this section exceeds the tax liability limitation imposed by section 44C(b)(5) and paragraph (d)(3) of this section, the excess credit shall be carried over to the succeeding taxable year and added to the credit allowable under this section for the succeeding taxable year. A carryover that is not used in the succeeding year because it exceeds the tax liability limitation shall be carried over to later taxable years until used, except that no excess credit may be carried over to any taxable year beginning after December 31, 1987.

§ 1.44C-2 Definitions.

For purposes of section 44C and regulations thereunder—

(a) *Energy conservation expenditures*—(1) *In general.* The term "energy conservation expenditure" means an expenditure made on or after April 20, 1977, and before January 1, 1986, by a taxpayer for insulation or any other energy-conserving component, or for labor costs allocable to the original installation of such insulation or other component, if all of the following conditions are satisfied:

(i) The insulation (as defined in paragraph (c)) or other energy-conserving component (as defined in paragraph (d)) is installed in or on a dwelling unit that is used as the taxpayer's principal residence when the installation is completed. See § 1.44C-3(e) for the definition of principal residence.

(ii) The dwelling unit is located in the United States (as defined in section 7701(a)(9)).

(iii) The construction of the dwelling unit was substantially completed before April 20, 1977. See § 1.44C-3(f) for the definition of the terms "construction" and "substantially completed". In the case of expenditures made with respect to the enlargement of a dwelling unit, the construction of the enlargement must have been substantially completed before April 20, 1977.

(2) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). In 1978, A spent $500 for the purchase and installation of new storm windows to replace old storm windows, $100 to reinstall old storm windows, and $150 to transfer to A's house insulation which had been installed in A's garage. Only the $500 spent for new storm windows qualifies as an energy conservation expenditure. The $100 spent to reinstall storm windows and the $150 spent to transfer insulation to A's house do not qualify since the only installation costs that qualify are those for the original installation of energy conservation property the original use of which commences with the taxpayer.

Example (2). In June 1977, B purchased for B's principal residence a new house that was substantially completed before April 20, 1977. Pursuant to B's request the builder installed storm windows on May 1, 1977, the cost of this option being included in the purchase price of the house. The portion of the purchase price of the residence allocable to the storm windows constitutes an energy conservation expenditure. However, no other part of the purchase price may be allocated to energy conservation property (insulation and other energy conserving components) installed before April 20, 1977. To qualify as an energy conservation expenditure, and expenditure must be made (*i.e.*, installation of the energy conservation property must be completed) on or after April 20, 1977.

(b) *Renewable energy source expenditures.* The term "renewable energy source expenditures" means an expenditure made on or after April 20, 1977, and before January 1, 1986, by a taxpayer for renewable energy source property (as defined in paragraph (e)), or for labor costs properly allocable to the on-site preparation, assembly, or original installation of such property, if both of the following conditions are satisfied:

(1) The renewable energy source property is installed in connection with a dwelling unit that is used as the taxpayer's principal residence when the installation is completed. See § 1.44C-3(e).

The dwelling unit is located in the United States (as defined in section 7701(a)(9)).

Eligibility as a renewable energy source expenditure does not depend on the date of construction of the dwelling unit. Thus, such an expenditure may be made in connection with either a new or an existing dwelling unit. Renewable energy source expenditures need only be made in connection with a dwelling, rather than in or on a dwelling unit. For example, a solar collector that otherwise constitutes renewable energy source property is not ineligible merely because it is installed separately from the dwelling unit. The term "renewable energy source expenditure" does not include any expenditure allocable to a swimming pool even when used as an energy storage medium or to any other energy storage medium whose primary function is other than the storage of energy. It also does not include the cost of maintenance of an installed system or the cost of leasing renewable energy source property.

(c) *Insulation.* The term "insulation" means any item that satisfies all of the following conditions:

(1) The item is specifically and primarily designed to reduce, when installed in or on a dwelling or on a water heater, the heat loss or gain of such dwelling or water heater. Insulation includes materials made of fiberglass, rock wool, cellulose, styrofoam, ureabased foam, urethane, vermiculite, perlite, polystyrene, and extruded polystyrene foam.

(2) The original use of the item begins with the taxpayer.

(3) The item can reasonably be expected to remain in operation at least 3 years.

(4) The item meets the applicable performance and quality standards prescribed in § 1.44C-4 (if any) that are in effect at the time the taxpayer acquires the property.

The term "insulation" shall not include items whose primary purpose is not insulation (*e.g.*, whose function is primarily structural, decorative, or safety-related). For example, carpeting drapes (including linings), shades, wood paneling, fireplace screens (including those made of glass), awnings, new or replacement walls (except for qualifying insulation therein) and exterior siding do not qualify although they may have been designed in part to have an insulating effect.

(d) *Other energy-conserving components.* The term "other energy-conserving component" means any item (other than insulation) that satisfies all of the following conditions:

(1) The original use of the item begins with the taxpayer.

(2) The item can reasonably be expected to remain in operation for at least 3 years.

(3) The item meets the applicable performance and quality standards prescribed in § 1.44C-4 (if any) that are in effect at the time of the taxpayer's acquisition of the property.

(4) The item is one of the following items:

(i) *A furnace replacement burner.* The term "furnace replacement burner" means a device that is designed to achieve a reduction in the amount of fuel consumed as a result of increased combustion efficiency. The burner must replace an existing burner. It does not qualify if it is acquired as a component of, or for use in, a new furnace or boiler.

(ii) *A device for modifying flue openings.* The term "device for modifying flue openings" means an automatically operated damper that—

(A) Is designed for installation in the flue, between the barometric damper or draft hood and the chimney, of a furnace; and

(B) Conserves energy by substantially reducing the flow of conditioned air through the chimney when the furnace is not in operation. Conditioned air is air that has been heated or cooled by conventional or renewable energy source means.

(iii) *A furnace ignition system.* The term "furnace ignition system" means an electrical or mechanical device, installed in a gas-fired furnace or boiler that automatically ignites the gas burner and replaces a gas pilot light. The device does not qualify if it is acquired as a component of, or for use in, a new furnace or boiler.

(iv) *A storm or thermal window or door.* The terms "storm or thermal window" and "storm or thermal door" include the following:

(A)(*1*) A window placed outside or inside an ordinary or prime window, creating an insulating air space.

(*2*) A window with enhanced resistance to heat flow through the glazed area by multi-glazing.

(*3*) A window that consists of glass or other glazing materials that have exceptional heat-absorbing or heat-reflecting properties. For purposes of this subdivision (iv), the term "glazing material" does not include films and coatings applied on the surface of a window.

(B)(*1*) A second door, installed outisde or inside a prime exterior door, creating an insulating air space.

(*2*) A door with enhanced resistance to heat flow through the glazed area by multi-glazing.

(*3*) A prime exterior door that contains insulation (as defined in § 1.44C–2(c)), which insulation has a thickness of at least 1.5 inches.

For purposes of this subdivision, "multi-glazing" is an arrangement in which two or more sheets of glazing material are affixed in a window or door frame to create one or more insulating air spaces. Multi-glazing can be achieved by installing a preassembled, sealed insulating glass unit or by affixing one or more additional sheets of glazing onto an existing window (or sash) or door.

(v) *Automatic energy-saving setback thermostat.* The term "automatic energy-saving setback thermostat" means a device that is designed to reduce energy consumption by regulating the demand on the heating or cooling system in which it is installed, and uses—

(a) A temperature control device for interior spaces incorpoarating more than one temperature control level, and

(B) A clock or other automatic mechanism for switching from one control level to another.

(vi) *Caulking and weatherstripping.* The term "caulking" means pliable materials used to fill small gaps at fixed joints on buildings to reduce the passage of air and moisture. Caulking includes, but is not limited to, materials commonly known as "sealants", "putty", and "glazing compounds". The term "weatherstripping" means narrow strips of material placed over or in movable joints of windows and doors to reduce the passage of air and moisture.

(vii) *Energy usage display meter.* The term "energy usage display meter" means a device the sole purpose of which is to display the cost (in money) of energy usage in the dwelling. It may show cost imformation for electricity usage, gas usage, oil usage, or any combination thereof. The device may measure energy usage of the whole dwelling, or individual appliances or systems on an instantaneous or cumulative basis.

(viii) *Components specified by the Secretary.* The Secretary may, in his discretion, after consultation with the Secretary of Energy and the Secretary of Housing and Urban Development (or their delegates), and any other appropriate Federal officers, specify by regulation other energy conserving components for addition to the list of qualified items. See § 1.44C–5 for the procedures and critieria to be used in determining whether an item will be considered for addition to the list of qualified items by the Secretary.

The term "other energy-conserving component" is limited to items in a category specifically listed in section 44C(c)(4)(A) (i) through (vii) or added by the Secretary.

(e) *Renewable energy source property*—(1) *In general.* The term "renewable energy source property" includes any solar energy property, wind energy property, geothermal energy property, or property referred to in subparagraph (2), which meets the following conditions:

(i) The original use of the property begins with the taxpayer.

(ii) The property can reasonably be expected to remain in operation for at least 5 years.

(iii) The property meets the applicable performance and quality standards prescribed in § 1.44C–4 (if any) that are in effect at the time of the taxpayer's acquisition of the property.

Renewable energy source property does not include heating and cooling systems which serve to supplement renewable energy source equipment in heating or cooling a dwelling unit, and which employ form of energy (such as electricity oil or gas) other than solar, wind, or geothermal energy (or other forms of renewable energy provided in subparagraph (2)). Thus, heat pumps or oil or gas furnaces, used in connection with renewable energy source property, are not eligible for the credit. In order to be eligible for the credit for renewable energy source property, the property (as well as labor costs properly allocable to onsite preparation, assembly or installation of equipment) must be clearly identifiable. See § 1.44C–3(l) for recordkeeping rules.

(2) *Renewable energy source specified by the Secretary.* In addition to solar, wind, and geothermal energy property, renewable energy source property includes property that transmits or uses another renewable energy source that the Secretary specifies by regulations, after consultation with the Secretary of Energy and the Secretary of Housing and Urban Development (or their delegates), and any other appropriate Federal officers, to be of a kind that is appropriate for the purpose of heating or cooling the dwelling or providing hot water for use within the dwelling. For purposes of this section, references to the transmission or use of energy include its collection and storage. See § 1.44C–5 for the procedures and criteria to be used in determining when another energy source will be considererd for addition to the list of qualified renewable energy sources.

(f) *Solar energy property.* The term "solar energy property" includes equipment and materials (and parts solely related to the functioning of such equipment) which when installed in connection with a dwelling, transmit or use solar energy directly to heat or cool the dwelling or to provide hot water for use within the dwelling. Generally, this is accomplished through the use of equipment such as collectors (to absorb sunlight and create hot liquids or air), storage tanks (to store hot liquids), rockbeds (to store hot air), thermostats (to activate pumps or fans which circulate the hot liquids or air), and heat exchangers (to utilize hot liquids or air to create hot air or water). Property which uses, as an energy source, fuel or energy which is indirectly derived from solar energy, such as fossil fuel or wood, is not considered solar energy property. Solar energy property includes "passive solar systems" as well as "active solar systems", or a combination of both types of systems. An active solar system is based on the use of mechanically forced energy transfer, such as the use of fans or pumps to circulate solar generated energy. A passive solar

system is based on the use of conductive, convective, or radiant energy transfer. A passive or active solar system might utilize portions of the structure of a residence to enhance the collection and storage of solar energy for later use in heating or cooling the residence. Thus, for example, the cost of roof ponds, roof collectors, free-standing thermal containers, and non-window glazing, as well as systems for transferring solar heat to the residence from the ponds, containers, or glazing area, may qualify for the credit. However, to the extent that portions of the structure of a residence are so used, only the materials and components whose sole purpose is to transmit or use solar radiation (and labor costs associated with installing such materials and components) are included within the term "solar energy property". Accordingly materials and components that serve a dual purpose, *e.g.*, they have a significant structural function or are structural components of the dwelling (and labor costs associated with installing such materials and components) are not included within the term "solar energy property". For example, the costs of roofs and (including roofs forming part of roof collectors), windows (including clerestories and skylights), walls that are structural components of the residence, and greenhouses do not qualify as solar energy property.

(g) *Wind energy property.* The term "wind energy property" includes equipment (and parts solely related to the functioning of such equipment) which, when installed in connection with a dwelling, transmits or uses wind energy to produce energy in any form for personal residential purposes. Generally, wind energy equipment consists of a windmill, wind-driven generator, power conditioning and storage devices that use wind to generate electricity or mechanical forms of energy.

(h) *Geothermal energy property.* The term "geothermal energy property" includes equipment (and parts solely related to the functioning of such equipment) necessary to transmit or use energy from a geothermal deposit to heat or cool a dwelling or provide hot water for use within the dwelling. Equipment such as a pipe that serves both a geothermal function (by transmitting hot geothermal water within a dwelling) and a non-geothermal function (by transmitting hot water from a water heater within a dwelling) does not qualify as geothermal property. A geothermal deposit is a geothermal reservoir consisting of natural heat which is from an underground source and is stored in rocks or in an aqueous liquid or vapor (whether or not under pressure), having a temperature exceeding 60 degrees Celsius as measured at the well head or, in the case of a natural hot spring (where no well is drilled), at the intake to the distribution system.

§ 1.44C-3 Special rules.

(a) *When expenditures are treated as made*—(1) *Timeliness of an expenditure for the energy credit.* In general, for the purpose of determining whether an expenditure qualifies as being timely for the residential energy credit under section 44C (*i.e.*, is made after April 19, 1977, and before January 1, 1986), the expenditure is treated as made when original installation of the item is completed. Thus, solely for that purpose, the time of payment or accrual is irrelevant.

(2) *Special rule for renewable energy source expenditures in the case of construction or reconstruction of a dwelling.* In the case of renewable energy source expenditures in connection with the construction or reconstruction of a dwelling that becomes the taxpayer's new principal residence, the expenditures are to be treated as made (for the purpose of determining the timeliness of an expenditure for the residential energy credit) when the taxpayer commences use of the dwelling as his or her principal residence following its construction or reconstruction. The term "reconstruction" means the replacement of most of a dwelling's major strcutural components such as floors, walls, and ceiling. When a taxpayer reoccupies a reconstructed dwelling that was the taxpayers's principal residence prior to reconstruction, a renewable energy source expenditure is considered made when the original installation of the renewable energy source property is completed.

(3) *Taxable year in which credit is allowable.* For the purpose of determining the taxable year in which the credit for an expenditure is allowable (once it has qualified as timely under subparagraph (1) or (2)), and expenditure is treated as made on the later of (i) the date on which it qualifies as timely, or (ii) the date on which it is paid or incurred by the taxpayer.

(b) *Expenditures in 1977.* No credit under section 44C shall be allowed for any taxable year beginning before 1978. However, the amount of any credit under section 44C for the taxpayer's first taxable year beginning after December 31, 1977, shall take into account qualified energy conservation expenditures and qualified renewable energy source expenditures made during the period beginning April 20, 1977, and ending on the last day of such first taxable year.

(c) *Expenditures financed with Federal, etc., grants.* Qualified expenditures financed with Federal, State or other grants (whether or not taxable) shall be taken into account for purposes of computing the residential energy credit, but see section 61 (relating to the definition of gross income) and the regulations thereunder for the treatment of such grants.

(d) *Expenditures qualifying both as energy conservation expenditures and renewable source expenditures.* In the case of an expenditure which meets both the definition of an energy conservation expenditure (as defined in § 1.44C-2(a)) and a renewable energy source expenditure (as defined in § 1.44C-2(b)), the taxpayer may claim either a credit under § 1.44C-1(b) (relating to qualified energy conservation expenditures) or § 1.44C-1 (c) (relating to qualified renewable energy source expenditures) but may not claim both credits with respect to the same expenditure.

(e) *Principal residence.* For purposes of section 44C, the determination of whether a dwelling unit is the taxpayer's principal residence shall be made under principles similar to those applicable to section 1034 and the regulations thereunder (relating to sale or exchange of a principal residence) except that ownership of the dwelling unit is not required. In making this determination, the period for which a dwelling is treated as a taxpayer's principal residence includes the 30-day period ending on the first day on which the dwelling unit would (but for this sentence) be treated as being used as the taxpayer's principal residence under principles similar to those applicable to section 1034. Thus, installations that are completed within that 30-day period may be eligible for the credit although, in the absence of the 30-day rule, the date of habitation of the dwelling unit by the taxpayer would mark the beginning of the taxpayer's use of the unit as a principal residence.

(f) *Construction substantially completed.* Construction of a dwelling unit is substantially completed when construction has progressed to the point where the unit could be put to use as a personal residence, even though comparatively minor items remain to be finished or performed in order to conform to the plans or specifications of

the completed building. For this purpose, construction includes reconstruction as defined in paragraph (a)(2). This rule may be illustrated by the following example:

Example. On January 1, 1979, A purchases a dwelling that is to become A's principal residence. The dwelling unit was originally constructed in 1950. A spends $50,000 to reconstruct the dwelling by replacing most of the dwelling's major structural components such as floors, walls and ceilings. Included in the cost is $3,000 attributable to energy-conserving components. Reconstruction is substantially completed on April 1, 1979, and A moves into the reconstructed residence on May 1, 1979. Since construction includes reconstruction, A's reconstructed residence is not considered substantially completed before April 20, 1977. Thus, amounts spent with respect to A's reconstructed residence for energy-conserving components do not qualify as energy conservation expenditures.

(g) *Residential use of property.* To be eligible for the residential energy credit, expenditures must be made for personal residential purposes. If at least 80 percent of the use of a component or item of property is for personal residential purposes, the entire amount of the energy conservation expenditure or the renewable energy source expenditure is taken into account in computing the credit under this section. If less than 80 percent of the use of a component or item of property is for personal residential purposes, the amount of an expenditure taken into account is the amount that bears the same ratio to the amount of the expenditure as the amount of personal residential use of the component or item bears to its total use. For purposes of this paragraph, use of a component or an item of property with respect to a swimming pool is not a use for a personal residential purpose. The rules with respect to residential use of property are illustrated by the following examples:

Example (1). In 1978 A makes an expenditure of $3,000 for the installation of storm windows of which 50 percent is on the portion of A's dwelling used as the principal family residence and 50 percent is on the portion of the dwelling used as an office. A has made no other energy conservation expenditures for the residence. The allowable energy conservation expenditure is $1,500 (50 percent of $3,000), the portion attributable to residential use. Therefore, the residential energy credit is $225 (the qualified conservation expenditure of 15 percent of $1,500).

Example (2). During 1979, B makes $10,000 of renewable energy source expenditures on solar energy property for B's principal residence. Approximately 60 percent of the use of the solar energy property will be for heating B's swimming pool; the other 40 percent will be for heating the dwelling unit. B had not previously made renewable energy source expenditures with respect to the residence. Since use for a swimming pool is not considered a residential use, less than 80 percent of the use of B's solar energy property is considered used for personal residential purposes. Therefore, only $4,000 (40 percent of $10,000), the proportionate part of B's expenditures representing personal residential use, is treated as a renewable energy source expenditure. B is allowed a $1,000 residential energy credit (30 percent of $2,000 plus 20 percent of $2,000) for 1979.

(h) *Joint occupancy*—(1) *In general.* If two or more individuals jointly occupied and used a dwelling unit as their principal residence during any portion of a calendar year—

(i) The amount of the credit allowable under section 44C by reason of energy conservation expenditures or by reason of renewable energy source expenditures shall be determined by treating all of the joint occupants as one taxpayer whose taxable year is such calendar year; and

(ii) The credit under section 44C allowable to each joint occupant for the taxable year with which or in which such calendar year ends shall be an amount which bears the same ratio to the amount determined under paragraph (h)(1)(i) of this section as the amount of energy conservation expenditures or renewable energy source expenditures made by that occupant bears to the total amount of each type of such expenditures made by all joint occupants during such calendar year.

The provisions of this subparagraph may be illustrated by the following example:

Example. A, a calendar year taxpayer, and B, a June 1 fiscal year taxpayer, make energy conservation expenditures of $2,000 (A making expenditures of $500 and B making expenditures of $1,500) on their principal and jointly occupied residence in 1978. A and B have not previously made energy conservation expenditures with respect to this residence. Of the $300 credit (15 percent of $2,000), $75 will be allocated to A ($500/$2,000×$300) and $225 to B ($1,500/$2,000×$300). A will claim the allocable share of the credit on A's 1978 tax return and B will claim the allocable share of the credit on B's tax return for the fiscal year ending May 31, 1979.

(2) *Minimum credit.* The fact that one joint occupant may be unable to claim all or part of the credit under section 44C because of insufficient tax liability or because that occupant's allowable credit does not exceed the $10 minimum credit (as set forth in paragraph (d)(1) of § 1.44C–1) shall have no effect upon the computation of the amount of the allowable credits for the other joint occupants.

(3) *Prior expenditures.* Because joint occupants are treated as one taxpayer for purposes of determining the residential energy credit, the maximum amount of energy conservation expenditures or renewable energy source expenditures must be reduced by the total amount of such expenditures made in connection with the dwelling unit during prior calendar years in which any one of the residents of the unit during the current calendar year was a resident (whether made by the current resident or by an individual previously occupying the dwelling with the current resident). However, the preceding sentence shall not apply to prior expenditures no part of which was taken into account in computing the credits under section 44C for such years. Prior years' expenditures are not to be allocated among joint occupants to take into account the specific expenditures of each of the occupants in prior years.

(4) The rules of this paragraph may be illustrated by the following examples:

Example (1). Assume A and B have together made prior years' energy conservation expenditures of $1,600 (A having made $1,200 of expenditures and B having made $400) on their principal and jointly occupied residence. In the current year, each makes energy conservation expenditures of $300 with respect to the same residence. The maximum qualified expenditure with respect to the residence is reduced by the $1,600 of prior expenditures made by A and B. Therefore, only $400 of the $600 current expenditures are eligible as energy conservation expenditures. The resulting residential energy credit is $60 (15 percent of $400) of which $30 apiece will be allocated to A and B ($300/$600 × $60). The fact that A had previously computed the credit in prior years with respect to $1,200 of the total $1,600 of expenditures is irrelevant to the apportionment of the credit in the current year.

Example (2). Spouses C and D make $10,000 of renewable energy source expenditures with respect to their principal residence, half of which is paid by each spouse. No prior renewable energy source expenditures have been taken into account with respect to that residence by either C or D. C and D file separate returns for the calendar year. Under the joint occupancy rule, the maximum allowable renewable energy source credit with respect to C and D's principal residence is $2,200 (30 percent of the first $2,000, and 20 percent of the next $8,000 of expenditures). Half of this amount, or $1,100, will be allowed to each spouse. If either spouse makes renewable energy source expenditures with respect to the same principal residence in future years, none of those expenditures would be qualifed renewable energy source expenditures for which a credit can be claimed. That is, not more than $2,200 may be taken in the

aggregate by C and D as a renewable energy source credit with respect to their principal residence.

Example (3). In 1978, E and F make energy conservation expenditures of $1,500 on their principal and jointly occupied residence. In 1979, E moves away and G becomes the other joint occupant of the residence. F and G make energy conservation expenditures of $1,000 in 1979. In 1980 F moves away and H moves in with G. G and H make energy conservation expenditures of $500. The maximum qualified expenditure made by F and G with respect to the residence is reduced by the $1,500 of prior expenditures made in 1978 by E and F. The maximum qualified expenditures made by G and H with respect to the residence is reduced only by the expenditures in prior years in connection with the residence during which either G or H was a joint occupant. Accordingly, the maximum qualified expenditures made by G and H with respect to the residence is reduced only by the $1,000 of prior expenditures made in 1979 by F and G.

(I) *Condominiums and cooperative housing corporations.* An individual who is a tenant stockholder in a cooperative housing corporation (as defined in section 216) or who is a member of a condominium management association with respect to a condominium which he or she owns shall be treated as having made a proportionate share of the energy conservation expenditures or renewable energy source expenditures of such corporation or association. The cooperative stockholder's allocable share of the expenditures is to be the same as his or her proportionate share of the cooperative's total outstanding stock (including any stock held by the corporation). However, in the case where only certain cooperative stockholders are assessed for the expenditures made by the cooperative housing corporation, only those cooperative stockholders that are assessed shall be treated as having made a share of the expenditures of such corporation. In such case, the cooperative stockholder's share of the expenditures is the amount that the stockholder is assessed. The allocable share of a condominium management association member's energy conservation or renewable energy source expenditures is the amount that the member is assessed (or would be assessed in the case where expenditures are from general funds) by the association as a result of such expenditures. The residential energy credit for a qualified expenditure is allowable for the year in which the association or corporation has completed original installation of the item (or has paid or incurred the expenditure, if later). For purposes of this paragraph, the term "condominium management association" means an organization meeting the requirements of section 528 (c)(1) of the Code (other than subparagraph (E) of that section), with respect to a condominium project substantially all the units of which are used as residences.

(j) *Joint ownership of renewable energy source property*—(1) *In general.* Renewable energy source property includes property which is jointly owned by the taxpayer and another person (or persons). For example, the fact that a windmill, solar collector, or geothermal well and distribution system is owned by two or more individuals does not by itself preclude qualification as renewable energy property.

(2) *Example.* The application of this subparagraph may be illustrated by the following example:

Example. A, B, and C each has a separate principal residence. They agree to finance jointly the construction of a solar collector, each providing one-third of the costs and taking one-third of the output of the collector. Each will separately pay for the costs of connecting the solar collector with his or her principal residence. Provided the solar collector and connection equipment otherwise qualify as renewable energy source property, A, B, and C will each be considered to have made renewable energy source expenditures equal to one-third of the cost of the collector plus his or her separate connection costs. Such expenditures will be subject to the limitations and other rules separately applicable to A, B, and C with respect to each principal residence, such as those with respect to the $10 minimum (§ 1.44C–1 (d)(1)), prior expenditures (§ 1.44C–1 (d)(2)), residential use (paragraph (g) of this section), and joint occupancy (paragraph (h) of this section).

(k) *Basic adjustments.* If a credit is allowed under section 44C for any expenditure with respect to any property, the increase in the basis of that property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit allowed.

(l) *Recordkeeping*—(1) *In general.* No residential energy credit is allowable unless the taxpayer maintains the records described in paragraph (l)(2) of this section. The records shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

(2) *Records.* The taxpayer must maintain records that clearly identify the energy-conserving components and renewable energy source property with respect to which a residential energy credit is claimed, and substantiate their cost to the taxpayer, any labor costs properly allocable to them paid for by the taxpayer, and the method used for allocating such labor costs.

§ 1.44C–4 Performance and quality standards. [Reserved.]

§ 1.44C–5 Certification procedures and procedures for additions to the list of energy-conserving components or renewable energy sources.

(a) *Certification that an item meets the definition of an energy-conserving component or renewable energy source property.* Upon the request of a manufacturer of an item pursuant to paragraph (d)(2) of this section which is supported by proof that the item is entitled to be certified, the Assistant Commissioner (Technical) shall certify (or shall notify the manufacturer that the request is denied) that:

(1) The item meets the definition of insulation (see § 1.44C–2(c)(1)).

(2) The item meets the definition of another energy-conserving component specified in section 44C(c)(4) (see § 1.44C–2(d)(4)).

(3) The item meets the definition of solar energy property (see § 1.44C–2(f)), wind energy property (see § 1.44C–2(g)), or geothermal energy property (see § 1.44C–2(h)).

(4) The item meets the definition of a category of energy-conserving component that has been added to the list of approved items pursuant to paragraph (d)(4)(viii) of § 1.44C–2.

(5) The item meets the definition of renewable energy source property that transmits or uses a renewable energy source that has been added to the list of approved renewable energy sources pursuant to paragraph (e)(2) of § 1.44C–2.

(b) *Additions to the list of approved energy-conserving components or rewnewable energy sources*—(1) *Report to the Secretary.* Upon the request of a manufacturer pursuant to paragraph (d) of this section for addition of an item to the approved list of energy-conserving componenets or of an energy source to the approved list of renewable energy sources, the Office of the Assistant Commissioner (Technical) shall make a determination as to whether the item meets the criteria provided in paragraph (c) (1) or (2) of this section. In making this determination, the Office of the Assistant Commissioner (Technical) shall consult with the Secretary of Energy and the Secretary of Housing and Urban development (or their delegates), and any other appropriate Federal officers to obtain their views concerning the item in question. If it is determined that the item fails to meet the applicable criteria provided in

paragraph (c), the manufacturer shall be informed of this determination. If a determination is made that the item meets the applicable criteria provided in paragraph (c), the Office of the Assistant Commissioner (Technical) shall report its findings to the Secretary.

(2) *Decision of the Secretary.* If the Secretary in his discretion decides that an energy-conserving component or renewable energy source should be added to the approved list, a notice of proposed rulemaking will be published in the **Federal Register** proposing to include the item as an energy-conserving component or as a renewable energy source. After an appropriate period for public comment, a Treasury decision may be promulgated.

(c) *Criteria for additions under paragraph (b)*—(1) *Additions to the approved list of energy-conserving components.* For an item to be considered for addition to the approved list of energy-conserving components under paragraph (b), it must increase the energy efficiency of a dwelling. For an item to be considered as increasing the energy efficiency of a dwelling, all of the following criteria must be met:

(i) Substantially all of the use of the item must be devoted toward improving the thermal efficiency of the dwelling structure, structural components, hot water heating, or heating or cooling systems or improving the fuel utilization efficiency of hot water heating equipment or equipment to heat or cool the dwelling unit.

(ii) The increase in thermal efficiency must be established by test data and in accordance with accepted testing standards.

(iii) The item must not present a significant safety, fire, or health hazard when properly installed.

(iv) The item must be cost effective so that the energy savings would be sufficient to recover the total cost of acquiring and installing the item in a reasonable period of time.

(2) *Additions to the approved list of renewable energy sources.* For an energy source to be considered for addition to the approved list of renewable energy sources under paragraph (b), the following criteria must be met:

(i) The energy source must be an inexhaustible energy supply. Accordingly, agricultural products and by-products will not be considered for addition. No exhaustible or depletable energy source (such as sources that are depletable under section 611) will be considered.

(ii) The energy source must be capable of being used for heating or cooling a residential dwelling or providing hot water for such a dwelling.

(iii) A practical working device, machine, equipment, or mechanism, etc., must exist and be commercially available to use such renewable energy source.

(iv) The use of the renewable energy source must not present a significant safety, fire, or health hazard.

(d) *Procedure*—(1) *In general.* A manufacturer of an item desiring to apply under paragraph (a) or (b) shall submit the application to the Commissioner of Internal Revenue, Attention: Assistant Commissioner (Technical), Washington, D.C. 20224. A manufacturer will be given 30 calendar days from the date of notification from the National Office denying the application in which to request a conference.

(2) *Contents of application.* The application shall include the following information:

(i) A description of the item including appropriate design drawings and specifications.

(ii) An explanation of the purpose and function of the item.

(iii) In the case of applications under paragraph (b), information, including test data, establishing that the item meets the applicable criteria set forth in paragraph (c).

(e) *Effect of certification under paragraph (a) and additions under paragraph (b).* Certifications granted under paragraph (a) (1), (2), or (3) will be applied retroactively to April 20, 1977. However, certifications granted under paragraph (a) (4) or (5) will be applied retroactively only to the date the applicable energy conserving component or renewable energy source was added by Treasury decision to the list of qualifying components or sources. Applications under paragraph (b) that are approved by the Secretary will be applied prospectively from the date a Treasury decision amending the regulations pursuant to the application is published in the **Federal Register.** Certification of an item under this section means that the applicable definitional requirement of § 1.44C–2 is considered satisfied in the case of any person claiming a residential energy credit with respect to such item. However, it does not relieve manufacturers of the need to establish that their items conform to performance and quality standards (if any) provided under § 1.44C–4 and that their items can reasonably be expected to remain in operation at least 3 years, in the case of insulation and other energy-conserving components, or at least 5 years, in the case of renewable energy source property.

§ 1.1016 [Deleted]

Par. 2. Section 1.1016 is deleted.

Par. 3. Section 1.1016–5 is amended by adding a new paragraph (t) to read as follows:

§ 1.1016–5 Miscellaneous adjustments to basis.

* * * * *

(t) *Section 44C credit.* In the case of property with respect to which a credit has been allowed under section 44C (relating to residential energy credit), basis shall be adjusted as provided in paragraph (k) of § 1.44C–3.

PART 601—STATEMENT OF PROCEDURAL RULES

(26 CFR Part 601)

Par. 4. Paragraph (c) of § 601.601 is amended by adding a new sentence at the end thereof to read as follows:

§ 601.601 Rules and regulations.

* * * * *

(c) *Petition to change rules.* * * * However, in the case of petitions to amend the regulations pursuant to section 44C(c) (4)(A)(viii) or (5)(A)(i), follow the procedure outlined in paragraph (d) of § 1.44C–5.

* * * * *

Jerome Kurtz,
Commissioner of Internal Revenue.

[FR Doc. 79–16018 Filed 5–22–79; 8:45 am]
BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1232–5]

State Implementation Plans; Availability—Montana

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of Montana SIP.

SUMMARY: The purpose of this notice is to announce the receipt of a State Implementation Plan (SIP) revision for Montana and to invite public comment. On April 24, 1979, pursuant to the requirements of Part D of the Clean Air Act as amended in 1977, the State of Montana submitted to EPA a revision to its SIP for certain areas designated as nonattainment for specific air pollutants. As required by the Act, the purpose of

this revision is to implement new measures for controlling air pollution in the nonattainment areas and to demonstrate that these measures will provide for attainment of the national ambient air quality standards as expeditiously as practicable, but no later than December 31, 1982 (in limited instances December 31, 1987). Failure to have an approved SIP which demonstrates attainment could result in certain economic and growth limitations.

ADDRESSES: Copies of the SIP revision are available at the following addresses for inspection:

Environmental Protection Agency, Region VIII, Regional Library, 1860 Lincoln Street, Denver, Colorado 80295.
Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.
Montana Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59601.
Environmental Protection Agency, Montana Office, Federal Office Building, Room 292, 301 South Park, Helena, Montana 59601.

WRITTEN COMMENTS SHOULD BE SENT TO: Mr. Ivan Dodson, Director, Montana Office, Environmental Protection Agency, Federal Office Building, 301 South Park Street, Drawer 10096, Helena, Montana 59601, (406) 449-5432/FTS 585-5432.

FOR FURTHER INFORMATION CONTACT: Mr. Ivan Dodson, Director, Montana Office, Environmental Protection Agency, Federal Office Building, 301 South Park Street, Helena, Montana 59601, (406) 449-5432/FTS 585-5432.

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, as amended in 1977, EPA designated areas in each state as nonattainment with respect to the criteria air pollutants. In Montana, the areas designated as nonattainment are:

	TSP	CO	O_x	SO_x
Laurel				X
Colstrip	X			
Columbia Falls	X			
Missoula	X	X		
Billings	X	X	X	
Great Falls	X			
Butte	X			
East Helena				X
Anaconda				X

Additionally, Part D of the Amendments required each state to revise its SIP to meet specific requirements in the areas designated as nonattainment. These SIP revisions were due on January 1, 1979, and must demonstrate attainment of the national ambient air quality standards, as expeditiously as practicable, but no later than December 31, 1982, or in limited instances for carbon monoxide and photochemical oxidants, no later than December 31, 1987.

On April 24, 1979, EPA received the revised SIP for the State of Montana and is currently reviewing that SIP with respect to the requirements of the Clean Air Act. At the completion of that review, a notice will be published in the **Federal Register** proposing approval or disapproval of the revised SIP.

Interested persons are invited to review the revised SIP at one of the locations listed above and comment on its approvability. The proposed notice referred to above will announce the last date which comments can be received. This public comment period may end less than sixty days after EPA's proposal of approval or disapproval.

Dated: May 14, 1979.

Alan Merson,

Regional Administrator.

[FR Doc. 79-16185 Filed 5-22-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1231-6]

Approval and Promulgation of Implementation Plans; Texas Emission Offsets.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: Corpus Christi Petrochemical Company's permit applications to construct an ethylene production plant and barge dock in Corpus Christi, Nueces County, Texas are subject to the Interpretative Ruling (i.e., emission offset policy), published December 21, 1976, in the **Federal Register**, and amended by the Clean Air Act Amendments of August 7, 1977, as it pertains to major new sources seeking to locate in areas not attaining the ozone standard.

Hydrocarbon emission offsets were offered and agreed to by Champlin Petroleum Company and the State of Texas submitted them in Texas Air Control Board (TACB) Order No. 78-6 for incorporation into the Texas State Implementation Plan (SIP). None of the offsetting hydrocarbon emission reductions are required control measures under the currently approved SIP. This notice proposes the approval of the State submitted revision to the Texas Implementation Plan in the form of Board Order No. 78-6, for hydrocarbon emission reductions from the Champlin Petroleum Company creditable for offsets for the Corpus Christi Petrochemical Company project.

DATES: Comments must be received on or before June 22, 1979.

ADDRESS: Submit comments to: Air Program Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-2742.

Background

Under the Agency's Interpretative Ruling published December 21, 1976 at 41 FR 55524, and amended by the Clean Air Act Amendments of August 7, 1977, a major new source may locate in an area with air quality worse than a national standard only if the following conditions are met:

1. The new source's emission will be controlled to the lowest achievable emission rate.

2. More than equivalent offsetting emission reductions will be obtained from existing sources.

3. There will be progress towards achievement of the standards.

On October 13, 1976 and August 4, 1977, Corpus Christi Petrochemical Company (CCPC) applied to the TACB for permits to construct an ethylene production plant and barge dock in Corpus Christi, Texas.

The proposed sources would emit more than 100 tons per year of hydrocarbons and would be located in an area which is not attaining the National Ambient Air Quality Standard (NAAQS) for ozone. The proposed sources were, therefore, subject to the Interpretative Ruling on emission offsets.

The TACB has required that the CCPC sources be controlled to the lowest achievable emission rate as evidenced in Permits C-4682A and C-5633. Using this technology, the proposed CCPC project would emit an estimated 188.7 tons per year of hydrocarbons. Offsetting hydrocarbon emissions totalling an estimated 246.6 tons per year were offered and agreed to by Champlin Petroleum Company from its petroleum refinery located at Corpus Christi, Nueces County, Texas. These hydrocarbon emission reductions were adopted by the Board as Board Order No. 78-6 on June 28, 1978, and submitted by the Governor of Texas to the

Environmental Protection Agency (EPA) on July 24, 1978 for incorporation into the Texas SIP. All requirements in 40 CFR 51.4 and 51.6 for notice and public hearings for plan revisions were met.

Hydrocarbon Offsets

The hydrocarbon emission offsets submitted by the State of Texas consist of the following control measures which were offered and agreed to by the Champlin Petroleum Company's refinery located at Corpus Christi, Nueces County, Texas, and adopted by the TACB as a Board Order No. 78–6.

1. Removal from service of a 12,000 barrel per day (BPD) vacuum distillation unit, with a final compliance date no later than October 1, 1979.

2. Dedication of gasoline storage tank 91–TK–3 to the exclusive storage of No. 2 Fuel Oil or any fluid with a vapor pressure equivalant to, or less than that of No. 2 Fuel Oil, with a final compliance date no later than October 1, 1979.

These control measures will result in estimated hydrocarbon emission reductions of 246.6 tons per year.

By incorporation of these emission control measures into the SIP, both the DPA and the State of Texas considers the offsets to be enforceable under Section 113 of the Clean Air Act. The offsets are also considered to be enforceable by citizens under Section 304 of the Clean Air Act as "emission standards or limitations".

Proposed Action

The EPA agrees with the State of Texas' determination that the proposed CCPC project will use technology resulting in lowest achievable emissions of hydrocarbons and that these emissions will total an estimated 188.7 tons per year. The hydrocarbon offsets from Champlin Petroleum Company, totalling an estimated 246.6 tons per year, are considered to be valid and enforceable by the State of Texas and the EPA.

As a result of the greater than one-for-one emission offset, the EPA considers that there will be progress towards attainment of the ozone standard. Thus, the EPA considers that all conditions stipulated under the Interpretative Ruling of December 21, 1976, published at FR 55524 and as amended by the Clean Air Act Amendments of August 7, 1977, have been met for the CCPC project to locate in Corpus Christi, Nueces County, Texas.

In this notice, EPA is proposing the approval of the hydrocarbon emission offsets as discussed above, creditable to the CCPC project, for incorporation into the Texas SIP.

The State of Texas has adopted the emission offsets in Board Order No. 78–6. The State procedures met all requirements of 40 CFR Part 51 including Section 51.4, the requirment for adequate public participation. Therefore, the Administrator does not plan to conduct further hearings regarding these emission offsets. Interested persons may still participate in this rulemaking, however, by submitting written comments to: Air Program Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270.

Relevant comments submitted within 30 days of this notice will be considered. The material submitted by the State of Texas is available for inspection during normal business hours at the above EPA regional office and also at the following offices:

Environmental Protection Agency, Public Information Reference Unit, Room 2932, EPA Library, 401 M Street S.W., Washington, D.C. 20460.

Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

This notice is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410–(a).

Dated: May 4, 1979.

Adlene Harrison,

Regional Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding paragraph (16) as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(16) Board Order No. 78–6, creditable as emission offsets for the Corpus Christi Petrochemical Company project in Corpus Christi, was submitted by the Governor on July 24, 1978, as amendments to the Texas State Implementation Plan (see § 52.2275).

2. Section 52.2275 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 52.2275 Control strategy: Photochemical oxidants (hydrocarbons).

* * * * *

(d) Notwithstanding any provisions to the contrary in the Texas Implementation Plan, the control measures listed in paragraph (e) of this section shall be implemented in accordance with the schedule set forth below.

(e)(1) Removal from service of a 12,000 BPD vacuum distillation unit at the Corpus Christi refinery of the Champlin Petroleum Company, Corpus Christi, Texas, with a final compliance date no later than October 1, 1979. This shall result in an estimated hydrocarbon emission reduction of at least 139 tons per year.

(2) Dedication of gasoline storage tank 91–TK–3 located at the Corpus Christi refinery of the Champlin Petroleum Company, Corpus Christi, Texas to the exclusive storage of No. 2 Fuel Oil or any fluid with a vapor pressure equivalent to, or less than that of No. 2 Fuel Oil, with a final compliance date no later than October 1, 1979. This shall result in an estimated hydrocarbon emission reduction of at least 107.6 tons per year.

[FR Doc. 79-16190 Filed 5-22-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1231-2]

Proposed Approval of an Administrative Order Issued by the Connecticut Department of Environmental Protection to Housatonic Ever-Float Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Connecticut Department of Environmental Protection to The Housatonic Ever-Float Company. The order requires the company to bring air emissions from its drying ovens in Shelton, Connecticut into compliance with certain regulations contained in the federally approved Connecticut State Implementation Plan (SIP) by June 15, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act.) If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before June 22, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region I, Room 2103, J.F.K. Federal Building, Boston, MA 02203. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Michael Gurchin at (617) 223-5061 or engineer Steven Fradkoff at (617) 223-5610, both at the following address: U.S. Environmental Protection Agency, J.F.K. Federal Building, Room 2103, Boston, MA 02203.

SUPPLEMENTARY INFORMATION: Housatonic Ever-Float operates a Float Manufacturing Plant at Shelton, Connecticut. The order under consideration addresses emissions from the drying ovens at the facility, which are subject to Section 19-508-20(f)(2) of the Connecticut regulations for the abatement of air pollution. The regulation limits the emissions of organic solvents, and is part of the federally approved Connecticut State Implementation Plan. The order requires final compliance with the regulation by June 15, 1979 through reformulation to reduce the photochemically reactive solvent portion of compound mixtures.

Because this order has been issued to a major source of hydrocarbon emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Connecticut SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the Federal Register the Agency's final action on the order in 40 CFR Part 65.

Authority: 42 U.S.C. 7413, 7601.

Dated: May 11, 1979.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FR Doc. 79-16187 Filed 5-22-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

[Docket No. DCO-79-8; FRL 1231-7]

Proposed Approval of an Administrative Order Issued by the Commonwealth of Kentucky, Department for Natural Resources and Environmental Protection to National Southwire Aluminum

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Commonwealth of Kentucky to National Southwire Aluminum. The Order requires National Southwire Aluminum to bring air emissions from its primary aluminum reduction smelter in Hawesville, Kentucky, into compliance with air pollution control regulations contained in the federally approved Kentucky State Implementation Plan (SIP) by July 1, 1979. Because the order has been issued to a major source of air pollution and permits a delay in compliance with provisions of the SIP, the Administrative Order must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before June 22, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Richard S. DuBose, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, Telephone Number: (404) 881-4298.

SUPPLEMENTARY INFORMATION: National Southwire Aluminum operates a primary aluminum reduction smelter in Hawesville, Kentucky. The Order under consideration addresses particulate and fugitive emissions from the pot lines system air control stack and pot room enclosures, which are subject to Kentucky Air Pollution Control Regulations 401 KAR 3:060 Sections 4(3) and 14(2). These regulations limit the emissions of particulate matter and fugitive particulate matter, respectively, and are part of the federally approved Kentucky State Implementation Plan. The order requires final compliance with the regulations by July 1, 1979, through the implementation of the following schedules for the construction or installation of control equipment:

Appendix A

1. Modification for the pot lines system air control stack shall proceed as scheduled below:

(a) January 31, 1978: Complete installation of new shields on all pot lines.

(b) January 31, 1978: Complete recoating of overhead plenum.

(c) January 31, 1978: Complete transition from low water alumina to high water alumina on 3 of 4 pot lines.

(d) March 31, 1978: Complete installation of new mist eliminators for twelve scrubbers.

(e) June 16, 1978: Submit final control plan that describes at a minimum the steps which will be taken to achieve compliance with Kentucky Air Pollution Control Regulation 401 KAR 3:060, Section 4.

(f) June 30, 1978: Negotiate and sign all necessary contracts.

(g) June 30, 1978: Complete transition from low water alumina ore to high water alumina ore on the remaining pot lines.

(h) July 31, 1978: Initiate on-site construction.

(i) June 1, 1979: Complete on-site construction and installation of control equipment.

(j) June 15, 1979: Complete shakedown operations and commence use of control equipment to achieve compliance with Kentucky Air Pollution Control Regulation 401 KAR 3:060, Section 4.

(k) July 1, 1979: Complete performance tests on the above specified operation and certify compliance with Kentucky Air Pollution Control Regulation 401 KAR 3:060, Section 4, to the Director.

2. It shall not be construed that the Department sanctions the transitions

from low water alumina ore to high water alumina ore other than as a Company proposed plan for control of emissions.

3. As an interim provision to the aforementioned compliance schedule the Company shall submit to the Director on a monthly basis, by the tenth of the following month, opacity measurements of emissions from the air control stack. These opacity measurements shall be of two (2) consecutive six minute readings using EPA approved Method 9 on a daily basis. On days when meteorological conditions do not permit opacity measurements to be made, the company shall include documentation of this fact in the monthly report.

Appendix B

The National Southwire Aluminum Company shall complete or shall have completed the following acts with respect to the control of process fugitive emissions from the pot room enclosures on or before the dates specified:

1. Immediately begin a comprehensive study to develop and where feasible, implement methods to capture fugitive emissions from unshielded pots including but not limited to the use of a portable capture system that could be moved to various locations in the pot rooms, increased capture velocity at each pot, process changes and improved operating and maintenance procedures.

2. January 31, 1978: Complete installation of new shields on all pot lines.

3. January 31, 1978: Complete transition from low water alumina ore to high water alumina ore on three (3) of four (4) pot lines.

4. June 30 1978: Complete transition of low water alumina ore to high water alumina ore on the fourth (4th) remaining pot line.

5. Until July 1, 1979, the opacity limit for roof monitor emissions shall be 40% or less except for:

(a) an unlimited opacity is allowed at no more than two (2) discernible points on the roof monitors until September 30, 1978, and

(b) an unlimited opacity is allowed at no more than one (1) discernible point on the roof monitors from September 30, 1978, until June 30, 1979.

6. On or before July 1, 1979, the maximum opacity of the roof monitor emissions shall not be greater than 15%. It is however provided that; should the company submit to the Director and the Chief on or before January 1, 1979, the results of the interim programs together with the results of the study provided under Paragraph 1 of this appendix, and in the event that said interim programs do not result in roof monitor emissions of 15% opacity or less, and upon showing evidence satisfactory to the Director that the Company has completed all reasonable programs for the reduction of roof monitor emissions, the Director shall set a visible emissions standard. The Director shall consider the development in control and process technology applicable to the aluminum reduction industry, as well as the experience and knowledge gained as a result of the Company's interim programs in setting the standard. Such standard shall be incorporated as part of any Operating Permit issued for the facility. Opportunity to discuss the proposed visible emssions standard shall be afforded the Company prior to issuance of the Operating Permit so conditioned.

7. As an interim provision to the above paragraphs the Company shall submit to the Director on a monthly basis, by the tenth of the following month, the following information:

(a) Number of sick pots during the month;

(b) Duration that shields were off of each sick pot;

(c) Opacity measurements of roof monitor emissions.

The opacity measurements shall be made at the point or points of heaviest emissions using EPA Method 9 for a period of not less than twelve (12) consecutive minutes each day the shields were off sick pots. On days when meterological conditions do not permit opacity measurements to be made, the company shall include documentation of this fact in the monthly report.

8. It shall not be construed that the Department sanctions the transitions from low water alumina ore to high water alumina ore other than as a Company proposed plan for control of emissions.

The source has consented to the terms of the order and has agreed to meet the Order's increments during the period of this informal rulemaking. The source is required to submit quarterly reports by the fifteenth day of the month following the end of each quarter which contains specific information indicating progress toward each milestone in the schedule of compliance. If any delay is anticipated in meeting said milestones, National Southwire Aluminum shall immediately notify the Kentucky Division of Air Pollution Control in writing of the anticipated delay and reasons therefor. Notification of the delay shall not excuse the delay. In addition, National Southwire Aluminum shall submit, no later than five days after the deadline for completing each milestone required by the above schedule, certification to the Director of the Kentucky Division of Air Pollution Control whether or not such milestone has been met.

As an interim control measure, particulate emissions from the air control stack shall not exceed 40 percent opacity. The interim visible emission limits for the pot room enclosures are outlined in the above-described Appendix B. The interim emission monitoring and reporting requirements are also contained in Appendices A and B which are shown above.

Because this Order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable state air pollution control regulations, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection. EPA has tentatively determined that the above-referenced order satisfies these legal requirements.

If the submitted administrative Order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Kentucky SIP. Compliance with the proposed order will not exempt the company from the requirements contained in any subsequent revision to the SIP which are approved by EPA.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the Order in 40 CFR Part 65.

Authority: 42 U.S.C. 7413, 7601.

Dated: May 15, 1979.

John A. Little,

Acting Regional Administrator, Region IV.

[FR Doc. 79-16189 Filed 5-22-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1232-2]

Proposed Approval of an Administrative Order Issued by the Connecticut Department of Environmental Protection to Deitsch Laminating Co., Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Connecticut Department of Environmental Protection to The Deitsch Laminating Company, Inc. The order requires the company to bring air emissions from its fabric coating plant in West Haven, Connecticut into compliance with certain regulations contained in the federally-approved Connecticut State Implementation Plan (SIP) by June 25, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before June 22, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region I, Room 2103, J.F.K. Federal Building, Boston, MA 02203. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Michael Gurchin at (617) 223-5061 or engineer Steven Fradkoff at (617) 223-5610, or both at the following address: U.S. Environmental Protection Agency, J.F.K. Federal Building, Room 2103, Boston, MA 02203.

SUPPLEMENTARY INFORMATION: Deitsch Laminating Company operates a fabric coating plant at West Haven, Connecticut. The order under consideration addresses emissions from a coating machine at the facility, which are subject to Section 19-508-20(f)(2) of the Connecticut regulations for the abatement of air pollution. The regulations limits the emissions of organic solvents, and is part of the federally approved Connecticut State Implementation Plan. The order requires final compliance with the regulation by June 25, 1979 through installation of an after-burner.

Because this order has been issued to a major source of hydrocarbon emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Connecticut SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the order in 40 CFR Part 65.

Authority: 42 U.S.C. 7413, 7601.

Dated: May 10, 1979.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FR Doc. 79-16186 Filed 5-22-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 79-S2]

Filing of Petitions for Reconsideration and for Stay

AGENCY: Federal Maritime Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Maritime Commission proposes to amend its rule of practice and procedure, which governs the filing of petitions for reconsideration of final rules or orders of the Commission or of an Administrative Law Judge. The proposed amendment would limit the grounds upon which reconsideration may be sought, would deny the filing of petitions for reconsideration in informal proceedings, and would restrict the filing of petitions for a stay of Commission orders.

DATES: Comments must be submitted on or before July 23, 1979.

ADDRESSES: Comments (original and fifteen copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTAL INFORMATION: The Commission has been revising its rules of practice and procedure, Part 502 of Title 46 CFR (Rules), for the purpose of eliminating undue delays and bringing its proceedings to a final conclusion as promptly as possible.

Rule 261 (46 CFR 502.261) presently allows any party to file a petition for reconsideration within 30 days after the issuance of a final decision or order by the Commission. The rule at present does not limit the grounds for seeking reconsideration but merely directs that matters which arose since the issuance of the decision or order from which reconsideration is sought, or adverse consequences which would result from compliance with that decision or order, be specifically stated in the petition experience has shown that in most instances the petition sets forth as a basis for reconsideration no new matter or evidence but consists merely of arguments previously made and already considered by the Commission. Moreover, in proceedings conducted under Subpart S—Informal Procedure for the Adjudication of Small Claims, 46 CFR 502.301, *et seq.*, the rules do not provide for the right to appeal and, in consenting to the procedure, the parties have, in effect, waived such right. Consequently, the filing of such appeal in the form of a petition for reconsideration would frustrate the purposes of the informal procedure by unduly delaying the conclusion of the administrative process and causing a misuse of the Commission's time and resources.

Under the proposed amendment to Rule 261, petitions for reconsideration which are not based upon material changes in the law or facts occurring subsequent to the issuance of the final

decision or order will be summarily rejected. Further, no petition for reconsideration may be filed in proceedings conducted under Subpart S, 46 CFR 301, *et seq.*

Present Rule 261 places no restrictions on the filing of petitions for stay of rules or orders of the Commission or of an Administrative Law Judge if the proceeding is before the judge. Experience has shown that such petitions are usually filed because a party intends to seek judicial review and, as with petitions for reconsideration, are based upon arguments already heard and considered by the Commission.

While there may be some merit to a petition for stay in rulemaking proceedings where there is no finding by the Commission of ongoing violations of law, the Commission believes that once such a finding has been made, the public interest requires that parties found to be engaging in practices violative of law not be permitted to continue such practices. Consequently, petitions for stay of Commission orders which involve continuing statutory violations will not be entertained.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821 and 841(a)), it is proposed that § 502.261 of Part 502 be revised to read as follows:

§ 502.261 Petitions for reconsideration and stay.

(a) Within 30 days after issuance of a final decision or order by the Commission, any party may file a petition for reconsideration. Such petition shall be served in conformity with the requirements of Subpart H (§§ 502.111–502.118). A petition will be subject to summary rejection unless it specifies that there has been a change in material fact or in applicable law, which change has occurred after issuance of the decision or order. Petitions based upon evidence which was available prior to issuance of the decision or order or which merely elaborate upon or repeat arguments made prior to the decision or order will not be entertained. A petition shall be verified if verification of original pleading is required and shall not operate as a stay of any rule or order of the Commission or of an Administrative Law Judge if the proceeding is before the latter officer. No petition for Reconsideration may be filed in connection with any proceeding conducted under Subpart S (sections 502.301–304).

(b) A petition for stay of a Commission order in cases involving statutory violations will not be entertained.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 79-16042 Filed 5-22-79; 8:45 am]

BILLING CODE 6730-01-M

Notices

Federal Register
Vol. 44, No. 101
Wednesday, May 23, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2:30 p.m., Wednesday, June 6, 1979, in the seventh floor main Conference Room of Covington and Burling, 888 16th Street, N.W., Washington, D.C.

The Committee will meet to discuss the scope and organization of the project concerning judicial review of rules in preenforcement and enforcement proceedings.

Attendance is open to the interested public but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information, contact Linda A. Sedivec (202–254–7020). Minutes of the meeting will be available on request.

Richard K. Berg,
Executive Secretary.
May 17, 1979.
[FR Doc. 79–16072 Filed 5–22–79; 8:45 am]
BILLING CODE 6110–01–M

Public Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, that the membership of the Administrative Conference of the United States, which makes recommendations to administrative agencies, to the President, Congress, and the Judicial Conference of the United States regarding the efficiency, adequacy, and fairness of the administrative procedures used by administrative agencies in carrying out their programs, will meet in Plenary Session on Thursday, June 7, 1979 at 9:45 a.m. and on Friday, June 8, 1979 at 9:45 a.m. in Hearing Room B of the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C.

The Conference will consider proposed recommendations on the following matters as well as any new business:

1. Federal Trade Commission trade regulation rulemaking under the Magnuson-Moss Act.
2. Disputes respecting Federal-State agreements for administration of the Supplemental Security Income Program.
3. Agency assessment and mitigation of civil money penalties.
4. Use of cost-benefit and similar analyses in regulation.

Plenary Sessions of the Conference are open to the public. Further information on the meeting, including copies of proposed recommendations, may be obtaianed from the Office of the Chairman, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037, telephone 202–254–7020.

Dated: May 17, 1979.
Richard K. Berg,
Executive Secretary.
[FR Doc. 79–16073 Filed 5–22–79; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Meat Pricing Task Force; Changes in Task Force Meeting

On March 28, 1979, the United States Department of Agriculture announced the meeting dates for the Meat Pricing Task Force (**Federal Register**, Vol. 44, No. 61). On Friday, April 27, 1979, an additional meeting for the Task Force was announced for June 11 in Dallas, Texas (**Federal Register**, Vol. 44, No. 83). That meeting is now expanded. At the request of the Task Force members the following changes are hereby announced.

This meeting of the Task Force will begin at 3:00 p.m., June 10, 1979, in the Skylab Room at the Airport Marina Hotel, Dallas-Fort Worth Regional Airport, Dallas, Texas (phone 214–453–8400). The meeting will reconvene at 8:30 a.m. in the same location on Monday, June 11. If necessary, the meeting will also reconvene at 8:30 a.m. in the same location on Tuesday, June 12. An announcement will be made during the Monday, June 11, meeting as to whether or not the Task Force will meet on Tuesday.

All sessions of this meeting will be open to the public. Public participation, announced in earlier **Federal Register** notices, has now closed.

Dated: May 18, 1979.
Chas B. Jennings,
Deputy Administrator.
[FR Doc. 79–16174 Filed 5–22–79; 8:45 am]
BILLING CODE 3410–02–M

Forest Service

Gospel-Hump Advisory Committee; Meeting

The Gospel-Hump Advisory Committee will meet at 8 a.m., June 25, 1979, at the Nezperce Forest Supervisor's Office, Grangeville, Idaho. The purpose of this meeting will be a three-day field trip via auto and horseback into the Gospel-Hump country to gain first-hand knowledge of the ground conditions.

Public participation is welcome, however, participants will be responsible for their won transportation, subsistence and lodging. Persons who wish to participate should notify Ed Laven, 319 East Main, Grangeville, Idaho, telephone 208/983–1950.

Don Biddison,
Forest Supervisor.
May 15, 1979.
[FR Doc. 79–16061 Filed 5–22–79; 8:45 am]
BILLING CODE 3410–11–M

Nantahala-Pisgah National Forests Land Management Plan, National Forests in North Carolina, Asheville, N.C.; Intent To Prepare an Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of

Agriculture will prepare an Environmental Statement for the Forest Land Management Plan for the Nantahala-Pisgah National Forests located in Cherokee, Clay, Macon, Graham, Jackson, Swain, Transylvania, Haywood, Buncombe, Madison, McDowell, Burke, Yancey, Mitchell, Avery, Caldwell, Henderson, and Watauga Counties, North Carolina.

Pub. L. 94–588 (National Forest Management Act of 1976) directs the Secretary of Agriculture to develop land management plans for units of the National Forest System in accordance with regulations promulgated under the Act.

Lawrence M. Whitfield, Regional Forester, is the responsible official. George A. Olson, Forest Supervisor, will be the leader for the Environmental Statement.

A range of alternatives for allocation and use of National Forest Lands will be considered. One of these will be to continue management as in the past. Other alternatives will consider a range of possible uses of included National Forest Lands including outputs derived from varying management activities which could be implemented on these lands.

A scoping session has not been held. However, a scoping process involving the State of North Carolina, concerned Federal Agencies, and interested publics will be conducted prior to issuance of a Draft Environmental Statement. This process will identify significant public and environmental issues to be addressed in the Environmental Statement. Appropriate public notice will be given prior to receiving input for the scoping process.

Written comments on the plan and Environmental Statement should be sent to George A. Olson, Forest Supervisor, National Forests in North Carolina, P.O. Box 2750, Asheville, N.C. 28802.

Dated: May 11, 1979.

Lawrence M. Whitfield,

Regional Forester.

[FR Doc. 79-16079 Filed 5-22-79; 8:45 am]

BILLING CODE 3410-11-M

Mountain Pine Beetle Outbreak Project, Diamond Lake Ranger District, USDA-Forest Service, Umpqua National Forest; Finding of No Significant Impact

An Environmental Assessment has been prepared which discusses proposed treatment of a mountain pine beetle outbreak in lodgepole pine stands covering approximately 2,500 acres of lands administered by the Umpqua National Forest surrounding Diamond Lake in Douglas County, Oregon. The Assessment is available for public review in the Forest Supervisor's Office, Roseburg, Oregon.

Although this project involves logging activities and slash treatment in an area surrounding a regionally renowned fishery and recreation area, the Environmental Assessment indicates that due to the timing and design of the proposed project this is not a major Federal action significantly affecting the quality of the human environment. There will be an impact due to the proposed actions, but the impact of taking no action over the entire area to mitigate the effects of the mountain pine beetle epidemic would be greater. Therefore, it has been determined that an environmental impact statement is not needed.

This determination is based upon consideration and evaluation of the following factors, which are discussed in detail in the Environmental Assessment: (a) The most important factor is to maintain a desirable setting for visitor use in the Diamond Lake complex; (b) long- and short-term effects associated with the beetle infestation in the overmature lodgepole stands in the Diamond Lake complex; (c) removal of timber on 150 acres of group selections and removal of only the green beetle infected timber over about 650 acres in a total land area of approximately 980 acres; (d) no treatment over 1,300 acres; (e) there will be no irreversible resource commitments and irretrievable loss of recreation or other resource values on treated acres; physical and biological effects are generally limited to the local Diamond Lake area; (g) the bald eagle, *Haliaeetus leucocephalus,* which is Federally classified as threatened, and the osprey, *Pandion hallaetus,* which is under Forest Service classification as unique are in the area; however, both are outside heavy treatment areas and will not be significantly affected.

There is considerable public interest in this area regardless of treatment or nontreatment. The proposed treatments, however, would be more acceptable than total nontreatment. Since the Diamond Lake Recreation Composite is dedicated to recreational use, the purpose of this project is to protect, as much as possible, the fishery, visual quality and other recreational values of the area.

No action will be taken prior to June 22, 1979.

The responsible official is R. D. Swartzlender, Forest Supervisor, Umpqua National Forest, P.O. Box 1008, Roseburg, Oregon 97470.

Dated: May 9, 1979.

R. D. Swartzlender,

Forest Supervisor.

[FR Doc. 79-16080 Filed 5-22-79; 8:45 am]

BILLING CODE 3410-11-M

Agricultural Marketing Service

Blackshear Pig Sale, Inc., et al.; Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards, Agriculture Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

GA—187—Blackshear Pig Sale, Inc., Blackshear, Georgia.

MN—173—Rush City Livestock Auction, Rush City, Minnesota.

MS—158—Lucedale Livestock Auction Sales, Inc., Lucedale, Mississippi.

NY—158—Langless Bros. Auction Market, Inc., Cherry Creek, New York.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in Section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards, Agriculture Marketing Service, United Stated Department of Agriculture, Washington, D.C. 20250, by June 7, 1979.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 16th day of May 1979.

Edward L. Thompson,

Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc. 79-16075 Filed 5-22-79; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

[Docket No. 31620, etc.[1]]

American Airlines, Inc., Respondent; Enforcement Proceeding

This proceeding has been reassigned from Administrative Law Judge John J. Mathias to Administrative Law Judge Alexander N. Argerakis.

Dated at Washington, D.C., May 16, 1979.

Nahum Litt,

Chief Administrative Law Judge.

[FR Doc. 79-16138 Filed 5-22-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 34573]

Anchorage-London Service Case; Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Katherine A. Kent to Administrative Law Judge Ronnie A. Yoder.

Dated at Washington, D.C., May 16, 1979.

Nahum Litt,

Chief Administrative Law Judge.

[FR Doc. 79-16139 Filed 5-22-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 33237 (Phase II)]

California-Arizona Low Fare Route Proceeding; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding on the environmental impact of additional service to Orange County Airport (Santa Ana) will be held commencing June 27, 1979, at 10:00 a.m. (local time) in the Multi-purpose Room, Bayview Elementary School, 2531 Orchard Drive, Santa Ana, California, before the undersigned administrative law judge.

For information concerning the details of this proceeding, interested persons are referred to the transcript of the hearing in Phase I, held March 6-7, 1979, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 17, 1979.

Frank M. Whiting,

Administrative Law Judge.

[FR Doc. 79-16140 Filed 5-22-79; 8:45 am]

BILLING CODE 6320-01-M

[1] Dockets 31620, 31830, 32016, 32057, 32071, 32072, 30494, 30499, and 30696.

Denver-Fresno and Sacramento and Fresno-Sacramento

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-5-113.

SUMMARY: The Board is proposing to grant Denver-Fresno and Sacramento and Fresno-Sacramento nonstop authority to Continental Air Lines, Western Air Lines, North Central Airlines and Hughes Airwest 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.

DATE: Objection: All persons having objections to the board issuing the proposed authority shall file, and serve upon all persons listed below, no later than June 21, 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 no later than June 6, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 35579, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Richard E. Clusman, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., Washington, D.C. 20428, (202) 673-5216.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Continental Air Lines, Western Air Lines, North Central Airlines and Hughes Airwest.

The complete test or Order 79-5-133 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 79-5-133 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, May 17, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-16142 Filed 5-22-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 26368, etc.[1]]

Eastern Air Lines, Inc., Respondent, Enforcement Proceeding; Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge John J. Mathias to Administrative Law Judge Alexander N. Argerakis.

Dated at Washington, D.C., May 16, 1979.

Nahum Litt,

Chief Administrative Law Judge.

[FR Doc. 79-16141 Filed 5-22-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Delaware Advisory Committee; Amendment

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Delaware Advisory Committee (SAC) of the Commission scheduled for June 15, 1979 (FR Doc. 79-15145) on page 28394, meeting place has changed.

The meeting now will be held at the Federal Building, 9th & King Streets, Conference Room 3207, Wilmington, Delaware 19801. The date and time will remain the same.

Dated at Washington, D.C., May 18, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-16172 Filed 5-22-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Duke University, et al.; Consolidated Decision on Applications for Duty-Free Entry of Election Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00

[1] Dockets 26368, 26369, 27415, 28292, 28294, 28830, 28597, 29213, 29216, 29247, 29228, 29229, 29856, and 29998.

p.m. at 666–11th Street, N.W. (Room 735), Washington, D.C.

Docket Number: 79–00143. Applicant: Duke University, Box 3014, Duke Univ. Medical Center, Durham, N.C. 27710. Article: Electron Microscope, Model 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: This article is intended to be used for morphologic aspects of several structural-functional investigations to be conducted in the mammalian kidney. In some instances kidney tubules will be examined after their transport characteristics have been studied. Detailed study of the cell membranes and junctional complexes of the tubules will be undertaken requiring point to point resolution of 3.0A to carefully elucidate the structural characteristics of the tubules that will then be correlated with the physiologic data that have been recorded. In other experiments the platinum replicas of freeze-fractured kidney tubules will be examined at both low magnification and selected areas at high magnification. Application received by Commissioner of Customs: February 1, 1979. Article ordered: December 28, 1978.

Docket Number: 79–00151. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: electron Microscope, Model EM 400 HTG and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the following multifold purposes:

1. Research into reactor fuels and cladding in both pre and post irradiated condition in support of the Fast Reaction Program of DOE,

2. Research into plutonium and uranium and the alloys in support of the laboratory's weapons program,

3. Support of the Controlled Thermonuclear Research (CTR), particularly in the area of radiation effects and damage in container materials,

4. Support of materials research and development for the Space Flight Reactor Program (SFR), and

5. General support of laboratory programs as a TEM-STEM-EDX-ELLS instrument of "last resort" where existing laboratory TEM's lack the capability of this "ultra" capability instrument.

Application received by Commissioner of Customs: February 9, 1979.

Docket Number: 79–00161. Applicant: The University of Michigan, Department of Pathology, 1335 East Catherine Street, Ann Arbor, Michigan 48109. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to further the knowledge of the pathology of kidney, liver, skin, muscle, brain, lung, heart, spleen, bone, marrow, lymph node and gastrointestinal tract diseases and in classification of tumors by their ultrastructural characteristics.

The experimental work includes the ultrastructural analysis of the hepatocytes in a vairety of natural and experimental disease states, incuding viral and toxic hepatitis and Reyes syndrome. Blood disorders will be studied utilizing the incorporation of ferritin molecules into erythroblasts. The relationship between aging and PUVA treatment will be studied with respect to the ultrastructural features of the skin with specific reference to elastic tissue and dermal melanocytes. The effect of therapy on the electron-dense immune complexes in the glomeruli of patients with specific systemic lupus erythematosus will be studied in patients who have serial biopsies of their kidneys. Ultrastructural characteristics of neoplastic and non-neoplastic cells in cytologic specimens, particularly serous fluids, will also be studied. The ge article will also be used for the teaching of ultrastructural manifestations of disease to medical students, medical technology students, resident physicians and practicing physicians. Application received by Commissioner of Customs: February 23, 1979. Article Ordered: September 6, 1978.

Docket Number: 79–00164. Applicant: National Institutes on Aging, Gerontology Research Center, Baltimore City Hospitals, Baltimore, Maryland, 21224. Article: Electron Microscope, Model JEM 100CX and Accesories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for examination of cells and tissues in order to discover the common and different changes occurring in a variety of aging cell types and to see if the process can be altered. Application received by Commissioner of Customs: February 23, 1979. Article ordered: September 13, 1978.

Docket Number: 79–00165. Applicant: West Virginia University School of Medicine, Medical Center Drive, Morgantown, W. VA. 26505. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in ultrastructural studies of adult and developing organ/tissue systems from a variety of mammalian species. The materials to be studied include both normal and experimental tissues from the reproductive systems, the respiratory tract, the central and peripheral nervous systems and hemopoietic organs. Experiments will be conducted to correlate microstructure with critical parameters of physiological and biochemical processes which effect the structure and function of biological tissues in both normal and pathological states. Specific aims are directed toward the determination of mechanisms involved in aging, cell secretion and metabolism, and cellular trauma produced by various environmental pollutants. In addition, the article will be used in the following courses to familiarize students with techniques of use and interpretation in electron microscopy and the range of applications for transmission, scanning and scanning transmission electron microscopy; ANAT 312—Introduction of Research, CJ(Conjoined Course) 320—Electron Microscopy, ANAT 497—Dissertation Research. Application received by Commissioner of Customs: February 23, 1979. Article ordered: November 9, 1978.

Docket Number: 79–00168. Applicant: University of Massachusetts, Amherst, Massachusetts 01003. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in high resolution studies of plant and animal cells specifically as follows: (i) To describe the patterns and structural connections between microtubules and endoplasmic reticulum in the spindle apparatus; (ii) to reveal the presence and structural disposition of presumptive action filaments in dividing cells; (iii) to decipher the condensation of macromolecular structural components in basal bodies as they emerge during blepharoplast formation; (iv) to observe the degree and type of fusion between leaflets of thylakoid membranes in developing chloroplasts; (v) to reveal the fine granular and lamellar composition of the cell wall in pollen grains following acetolysis. The article will also be used in the courses Botany 797B—Techniques in Electron Microscopy to teach students the techniques of high resolution electron microscopy. Application received by Commissioner of Customs: February 23, 1979. Article ordered: November 22, 1978.

Docket Number: 79–00169. Applicant: Surgical Neurology Branch NINCDS—National Institutes of Health, 9000

Rockville Pike, Bethesda, Maryland 20014. Article: Electron Microscope, Model JEM-100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the structure of normal, injured and malignant biological cells and tissues of the nervous system. Scientific problems to be studied will include:

1. The ultrastructural characteristics of gliomas and other types of brain tumors.

2. Quantitative ultrastructural surface and cytoplasmic characteristics of chromatolytic and regenerating neurons and quiescent, hypertrophic and mitotic post-injury microglia, oligodendroglia and astroglia.

3. Quantitative ultrastructural surface and cytoplasmic characteristics of arachnoidal cells under quiescent and various experimental conditions.

4. Surface membrane characterization and differentiation of gliomas and other brain tumors.

5. Analysis of lectin and other receptor movement after alterations of membrane fluidity and cytoskeletal organization; surface and cytoplasmic events in transformation as well as nerve regeneration.

6. Quantitative analysis of fine structural changes in glioma cells after treatment with various chemotherapeutic agents such as CCNU, BCNU, phenytoin, procarbazine, methotrexate.

Application received by Commissioner of Customs: February 23, 1979. Article ordered: September 20, 1978.

Docket Number: 79-00171. Applicant: University of Virginia, Department of Anatomy, 1300 Jefferson Park Avenue, Box 439, Charlottesville, Va. 22908. Article: Electron Microscope, Model JEM-100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to carry out the following research projects:

(1) Dual tagged antibody globulins studies,

(2) Branched myofilaments in cultured smooth muscle cells,

(3) Changes in the membrane systems in various pathological conditions (e.g., muscular dystrophy),

(4) Electron microscopy of cell surface-cytoskeletal associations in mouse preimplanation embryos,

(5) Study of the intercellular junctions between cardiac cells and smooth muscle cells, especially in culture.

In addition, the article will be used to train graduate students, post-doctoral fellows, residents, and medical students in the use of an electron microscope. Application received by Commissioner of Customs: February 20, 1979. Article ordered: October 9, 1978.

Docket Number: 79-00173. Applicant: Purdue University, FREH Bldg., West Lafayette, IN 47907. Article: JEM-200CX TEMSCAN Electron Microscope with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following solid state materials research:

(1) Study of crystallographic aspects in solid electrolytes of beta alumina-type compounds.

(2) Study of mixed electronic and ionic conduction in doped beta alumina.

(3) Study related to the understanding and control of the polytypical behavior of silicon carbide and related materials.

(4) Studies involving multiply periodic structures of compounds of Magneli phases and materials such as TaS_2, $TaSe_2$, $NbSe_2$, $TiSe_2$, and $LaGe_2$.

(5) Other studies involving geological samples including research on sulfide minerals for which transmission microscopy would allow the identification of inversion mechanism, twinning faults, analysis of small grain inclusions and the ability to have sufficient resolutions to observe effects of ion omission in minerals.

Application received by Commissioner of Customs: February 27, 1979. Article ordered: September 28, 1978.

Docket Number: 79-00174. Applicant: Environmental Sciences Laboratory, Mount Sinai School of Medicine, 1 Gustave Levy Place, New York, New York 10029. Article: Electron Microscope, Model JEM-100CX/SEG (TEM) with ASID Scanning Attachment and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a wide variety of research, educational and diagnostic projects with focus on environmental and occupational health problems. The range of applications includes the following: an electron microscopy investigation of human and animal tissues for ultrastructural characterization of cellular components in terms of pathological response to arrange of agents, both inorganic and organic; the determination of organelle and suborganelle responses to environmental carcinogens; localization, characterization and enumeration of inorganic particles on the cellular level; relationship of inorganic particles to subcellular processes; characterization of environmental samples on the sublight microscopic level, including the characterization of materials. In addition, the article will be used for the training of medical residents in occupational medicine, of post-graduate physicians, and graduate students in the basic sciences, in the techniques and applications of electron microscopy. Training may also be directly translated into teaching as well, which includes the techniques and special application of transmission electron microscopy, scanning electron microsopy, selected area electron diffraction, and electron microprobe analysis. Application received by Commissioner of Customs: February 27, 1979. Article ordered: December 12, 1978.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16122 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

Frederick Cancer Research Center, et al.; Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials

Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666–11th Street, NW., (Room 735), Washington, D.C.

Docket Number: 79–00087. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Maryland 21701. Article: LKB 2128–010/Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for light microscopic and ultrastructural studies on normal and pathologic human and animal tissues as well as of normal and transformed cells and tissues in culture. Other investigations will include histochemical and ultrahistochemical studies to localize enzymes and subcellular organelles and morphometric examinations to study the changes in sizes and distribution of subcellular organelles as well as of autoradiography to localize the subcellar distribution of cancer inducing chemicals. Application received by Commissioner of Customs: December 14, 1978. Advice submitted by the Department of Health, Education, and Welfare: March 22, 1979.

Docket Number: 79–00090. Applicant: The Regents of the University of California, San Diego, University of California Medical Center, 225 Dickinson Street, San Diego, Calif. 92103. Article: LKB 2088 Ultrotome V Ultramicrotome and the LKB Histoknifemaker 2078 and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare specimens for long term studies of the pathology of alloxan diabetes in rats and, in particular, the glomerular basement thickening in rats with long-term alloxan diabetes. Application received by Commissioner of Customs: December 14, 1978. Advice submitted by the Department of Health, Education, and Welfare: March 22, 1979.

Docket Number: 79–00101. Applicant: Boston University School of Medicine, Dept of Dermatology, Houseman Research Building, Rm. 316, 80 East Concord Street, Boston, MA 02118. Article: LKB 2088 Ultrotome V Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare human and animal specimens for investigations which will include: ultrastructural studies on normal and pathologic tissues, developmental studies on skin, blood vessels and muscle systems, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions and subcellular changes in cells induced by changes in their biochemical and physical environments. The article will also be used in the courses Ultrastructure and Cell Biology which will involve a study of general principles on techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. Application received by Commissioner of Customs: December 19, 1978. Advice submitted by the Department of Health, Education, and Welfare: March 22, 1979.

Docket Number: 79–00116. Applicant: University of Nebraska—Lincoln, Department of Veterinary Science, Institute of Agriculture and Natural Resources, Lincoln, Nebraska 68583. Article: LKB 2128–010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrathin sectioning of different types of animal and plant tissues and other biological materials such as bacteria, parasites, viruses cultured cells, and tissues which have been embedded in epoxy resins. These specimens will be studied to further basic knowledge of cell and tissue ultrastructure and to provide at the fine structural level the enzymes and hormone localizations and distribution in cells and tissues under normal, pathological and artifically induced disease conditions both *in vivo* and *in vitro*. The article will also be used in courses in Veterinary Histology and Fine Structures and Ultrastructural Pathology to train students and trainees in the proper use and application of electron microscopy techniques. Application received by Commissioner of Customs: January 9, 1979. Advice submitted by the Department of Health, Education, and Welfare: March 22, 1979.

Docket Number: 79–00134. Applicant: University of Alabama in Birmingham, 1808–7th Avenue South, Room 801, Birmingham, Alabama 35294. Article: LKB 2088 Ultrotome V Ultramicrotome and LKB 148001–3 CryoKit and CryoKit Tools. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare ultrathin frozen sections of isolated rat pancreatic islets. These frozen thin sections will be analyzed by immunocytochemical labelling techniques in an effort to identify and characterize the molecular components of the insulin release machinery contained within these cells. Applications received by Commissioner of Customs: January 19, 1979. Advice submitted by the Department of Health, Education, and Welfare: April 12, 1979.

Docket Number: 79–00141. Applicant: Chemical Industry Institute of Toxicology, P.O. Box 12137, Research Triangle Park, NC 27709. Article: LKB 2128–010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare experimental animal tissues for electron microscopy. Liver will be the major tissue studied; although kidney, lung and nervous tissue will be frequently examined. Experiments on laboratory animals will be conducted to determine the mechanism of chemical induced tissue injury. Application received by Commissioner of Customs: February 1, 1979. Advice submitted by the Department of Health, Education, and Welfare on: April 12, 1979.

Docket Number: 79–00144. Applicant: Indiana University—Purdue University at Indianapolis (IUPUI) Biology Department, 1201 East 38th Street, Indianapolis, IN 46205. Article: LKB 8800A Ultrotome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of the development and differentiation of the specialized cell type, the non-articulated branched laticifer, in whole plants and tissue cultures of the genus *Asclepias* (the milkweeds). Other uses will involve the study of a variety of biological phenomena occurring in multicellular and unicellular plants and animals, as well as subcellular preparations. The article will also be used in a course entitled Electron Microscopy which is designed to teach basic preparative techniques for electron microscopy (including histochemical techniques), the principles and use of the electron microscope, and the interpretation of ultrastructure. Application received by Commissioner of Customs: February 1, 1979. Advice submitted by the Department of Health, Education, and Welfare, April 12, 1979.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended

to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds 0.1 to more than 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16124 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

National Institutes of Health et al.; Consolidated Decision of Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (see especially § 301.11(e).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, NW. (Room 735) Washington, D.C.

Docket Number: 79-00047. Applicant: National Institutes of Health, 9000 Rockville Pike, Building 36, Rm. 4B17, Bethesda, Maryland 20014. Article: LKB 2128-010/Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of myelinated tracts or nerves obtained surgically which may be chemically fixed and embedded or frozen before sectioning. This or semithin sections of nervous tissue will be studied by light and electron microscopy. The features characteristic of various types of myelin breakdown will be identified and described in research reports that will be published. Additional objectives include the localization of myelin constituents visualized electron microscopically in thin sections after using specific immunocytochemical staining procedures. Application received by commissioner of customs: November 8, 1978. Advice submitted by the National Bureau of Standards: March 1, 1979.

Docket Number: 79-00055. Applicant: National Institutes of health, Bethesda, MD 20014. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produker AB, Sweden. Intended use of article: The article is intended to be used to prepare sections or retinae from vertebrate eyes for observation to understand the intercellular connections and circuitry underlying the electrical activity of the retina. Application received by Commissioner of Customs: November 22, 1978. Advice Submitted by the National Bureau of Standards: March 14, 1979.

Docket Number: 79-00083. Applicant: Surgical Neurology Branch, N.I.N.C.D.S., NIH, 9000 Rockville Pike, Bethesda, Maryland 20014. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of Article: The article is intended to be used to prepare cells from the central and peripheral nervous system taken from tumor and other biopsies in patients or from various animal models for study directly or after growth *in vitro*. Scientific problems to be studied will include:

1. The ultrastructural characteristics of gliomas and other types of brain tumors.

2. Quantitative ultrastructural surface and cytoplasmic characteristics of chromatolytic and regenerating neurons and quiescent, hypertrophic and mitotic post-injury microglia, oligodendroglia and astroglia.

3. Quantitative ultrastructural surface and cytoplasmic characteristics of arachnoidal cells under quiescent and various experimental conditions (such as subarachnoid hemorrhage and ischemic and blunt trauma), i.e. arachnoiditis.

4. Surface membrane characterization and differentiation of gliomas and other brain tumors.

5. Analysis of lectin and other receptor movement after alterations and membrane fluidity and cytoskeletal organization; surface and cytoplasmic events in transformation as well as nerve regeneration.

6. Quantitative analysis of fine structural changes in glioma cells after treatment with various chemotherapeutic agents such as CCNU, BCNU, phentoin, procarbazine, methotrexate (TEM with quantitative image analysis).

7. Quantitation of elemental content of neuronal and glial cell surfaces and cytoplasmic regions as organelles for elements ranging from Be to U or Na to U by wave dispersive and/or energy dispersive X-ray spectroscopy.

8. Examination of freeze fracture and replica surface specimens.

9. The determination of molecular and supramolecular structure of intact and isolated proteins and/or protein complexes.

Post-doctoral fellows as well as medical students and neurological and

neurosurgical residents will be trained to use the instrument as part of the research training in the laboratories. Application received by Commissioner of Customs: December 14, 1978. Advice submitted by the National Bureau of Standards: April 3, 1979.

Docket Number: 79-00102. Applicant: National Institutes of Health, Neuromuscular Diseases Section, IRP, Building 10/10D20, Clinical Center, 9000 Rockville Pike, Bethesda, Maryland 20014. Article: LKB 2088 Ultrotome V Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigations which include ultrastructural studies of normal and pathological human and animal tissues. Developmental studies of cytochemical and histochemical staining for enzymes and subcellular organelle localization. Subcellular changes in cells induced by changes in their biochemcial and physical environs will be investigated. Application received by Commissioner of Customs: December 19, 1978. Advice submitted by the National Bureau of Standards: April 12, 1979.

Docket Number: 79-00145. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, MD. 20014. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of the mechansims of interaction between viruses and the nerve cells, how viruses spread in the nervous system, how nerve cells membranes are modified by viruses, and how viral antigens are expressed in those nerve cells. In addition, the article will be used to diagnose the nature of viral disease of the nervous system when human brain biopsy has been performed. Application received by Commissioner of Customs: February 6, 1979. Advice submitted by the National Bureau of Standards: April 6, 1979.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds 0.1 to more than 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds, is therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, The National Bureau of Standards advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16123 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

University of Florida; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735), Washington, D.C.

Docket Number: 79-00077. Applicant: University of Florida, College of Pharmacy, Box J-4. J. Hillis Miller Health Center, Gainesville, Florida 32610. Article: LKB 2107-010 Batch Microcalorimeter and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of the binding of drugs to molecules (albumin, enzymes, nucleic acids, polysaccharides, etc.). The binding is investigated by having the macromolecule and drug separated in the mixing cell, then measure the heat changes following the mixing from the magnitude of this heat; important information on the strength of binding as well as the binding capacity of the macromolecule can be obtained. The article will also be used in research courses leading to masters and Ph. D degrees, for the teaching of research methods and understanding of drug macromolecule interactions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capabilities for operation in a differential mode and a sensitivity of one microcalorie. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 22, 1979 that the capabilities of the article described above are pertinent to the applicant's intended purposes. HEW further advises

that (1) domestic instruments do not provide equal sensitivity or operate in a differential mode and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16118 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

University of Mississippi; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket Number: 79-00075. Applicant: University of Mississippi, University, MS 38677. Article: LKB 2107-010 Batch Microcalorimeter and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study the thermodynamics of the binding of specific ligands to proteins. These studies will be conducted to relate the thermodynamics information to the nature of the protein-ligand binding forces. The article will also be used to monitor the kinetics of enzyme catalyzed reactions. In addition, the article will be used to study the heat of detergent micelle formation. The article will be used as an educational tool in the courses Biochemistry Laboratory (Chem 472) and Graduate Research (Chem 697-797).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capabilities for operation in a differential mode and a sensitivity of one microcalorie. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 22, 1979 that the capabilities of the article described above are pertinent to the applicant's intended purposes. HEW further advises that (1) domestic instruments do not provide equal sensitivity or operate in a differential mode and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16119 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

University of Texas System Cancer Center; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before June 12, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, at 666 11th Street, NW. (Room 735), Washington, D.C.

Docket Number: 79-00240. Applicant: The University of Texas System Cancer Center, 6723 Bertner, Houston, Texas 77030. Article: Multi-Parameter Flow Cytophotometer ICP-22 and Accessories. Manufacturer: Phywe Company, West Germany. Intended use of article: The article is intended to be used for the study of cells from long term cultures or from biopsies specimens from patients with leukemias and solid tumors. The cells will be processed to yield single cell suspensions, and will be stained specifically for DNA, RNA, and protein so that two parameter analysis of cellular properties can be performed. The determined cellular properties will be utilized to identify cell subpopulations in heterogenous samples and to further characterize malignant versus normal cells. Application received by Commissioner of Customs: April 4, 1979.

Docket Number: 79-00241. Applicant: University of Minnesota, Dept. of Geology and Geophysics, 310 Pillsbury Drive, Minneapolis, MN 55455. Article: 12 KW RU-200H High Brillance Rotating Anode X-Ray Generator and Accessories. Manufacturer: Rigaku, Japan. Intended use of article: The article is intended to be used to produce high energy x-rays to excite diffraction spectra of minerals. Unit cell volumes and parameters will be measured in research to better understand the mineralogy of the earth's interior. The article will be used in mostly graduate courses Geo 8-099 (Research in Petrology) Geo 5-452 (Igneous and Metamorphic Petrology) and Geo 30401 (Introductory Mineralogy) by undergraduate and graduate students. Applications received by Commissioner of Customs: April 4, 1979.

Docket Number: 79-00243. Applicant: Oregon State University, Department of Biochemistry and Biophysics, Corvallis, Oregon 97331. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of the structure and replication of adenovirus, a DNA-containing tumor virus. The projects involving electron microscopy include the following categories: (1) Viral DNA replication, (2) DNA-terminal protein complexes, (3) cellular DNA-protein complexes, (4) chromatin-like structure of the adenovirus chromosome, and (5) defective viral genomes. Application received by Commissoner of Customs: April 4, 1979.

Docket Number: 79-00245. Applicant: Veterans Administration Medical Center, 3801 Miranda Avenue, Palo Alto, California 94304. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article:

The article is intended to be used for studies of normal and pathological biological material including tissue from spinal cord and brain, and from the peripheral nervous system, as well as from the bony labyrinth and the spinal vertebrae. Tissues from both mammals and inframammalian systems will be studied. These studies will include ultrastructural and cytochemical studies on normal and pathological nerve cells, developmental studies on the nervous system on muscle, and studies on membrane structure in both normal and pathological animals. Particular emphasis will be given to studies on the structural pathology of cell membranes in the demyelinating diseases, peripheral neuropathies, and spinal cord injury, and of the morphological changes which occur during recovery from demyelination and axonal transection. Studies will also involve detailed examination of the node of Ranvier, and of the paranodal specialization and of the ultrastructural architecture of myelin at high resolution. The article will also be used by graduate students and post-doctoral trainees, who are engaged in and are being trained for research on a one-to-one basis in this laboratory. Application received by Commissioner of Customs: April 11, 1979.

Docket Number: 79-00246. Applicant: DHEW/Food and Drug Administration, Bureau of Biologics Bldg. 29A, 2B23, 8800 Rockville Pike, Bethesda, Maryland 20014. Article: Electron Microscope, Model EM 10A, TI-Coolwell Recirculating Cooling System and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study biological and related to human disease. The focus of the investigation will be on viruses whose exceedingly small size requires electron microscope range of magnification for visualization. The specific experiments to be conducted are: (a) Studies of the morphology replication and antigenic components of viruses, (b) alterations in cell surface following viral infection, (c) viral nucleic acid analyses, and (d) quantitation of viral content by virus particle count. Application received by Commissioner of Customs: April 6, 1979.

Docket Number: 79-00247. Applicant: VA Wadsworth Medical Center, Wilshire and Sawtelle Blvds., Los Angeles, CA 90073. Article: LKB Model 2127-001 Tachophor complete with Power Supply Unit and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials including proteins, peptides and metabolites from plant and animal tissues. Investigations will include studies on in vitro and/or in vivo reactions between molecules following increase, decrease, or absence of one or all of the reacting molecules. The objective pursued in the course of these investigations is to understand the interrelationship between biological molecules and to correlate these changes wth chemical alterations seen in human diseases. Application received by Commissioner of Customs: April 11, 1979.

Docket Number: 79-00248. Applicant: University of Missouri, Columbia, Missouri 65211. Article: Continuous Recording Oscilloscope Camera, Model PC-3A with Accessories. Manufacturer: Baytronix Ltd., Canada. Intended use of article: The article is intended to be used to record the electro-physiological responses from the auditory neurons or muscle fibers of an experimental animal. Application received by Commissioner of Customs: April 11, 1979.

Docket Number: 79-00250. Applicant: Texas Tech University School of Medicine, Anatomy Department, Lubbock, Texas 79403. Article: Diamond knives for ultramicrotome, type B and Accessories. Manufacturer: Fine Science Tools, Ltd., Canada. Intended use of article: The article is intended to be used for thin sectioning of cells and tissues from research animals. Experiments will be conducted to identify ultrastructural changes in developing palate, changes in tooth maintenance with Diabetes Mellitus, and other biomedical research. The article will also be used to prepare teaching material for all microanatomy and cell biology courses in the Department. Application received by Commissioner of Customs: April 11, 1979.

Docket Number: 79-00251. Applicant: NOAA/ERL/Space Environment Laboratory, MS 1-2109, 325 Broadway, Boulder, CO 80303. Article: Computer-controlled scope-display character generator. Manufacturer: SEN Electronique, Switzerland. Intended use of article: The article is intended to be used for investigations of ionosphere structure and its motions. Specifically, it will be used to display computer information on an x-ray telescope and its content will be various computational results and diagraphic display labeling; the display is required for experimenter control. Application received by Commissioner of Customs: April 11, 1979

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16120 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

Watches and Watch Movements; Allocation of Duty-Free Quotas for Calendar Year 1979 Among Producers Located in Guam

AGENCY: Bureau of Trade Regulation, Industry and Trade Administration.

ACTION: Allocation fo duty-free quotas for calendar year 1979 among producers located in Guam.

SUMMARY: Pursuant to Pub. L. 89-805 the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of watch quotas among watch assembly firms in the insular possessions. Section 303.5(a)(2) of the Departments' Codified Watch Quota Rules (15 CFR Part 303) provides for the annual allocation of watch quotas. The criteria for the calculation of the 1979 watch quotas among producers in Guam are set forth in the Final Watch Quota Allocation Rules (the "Rules") published in the **Federal Register** dated December 27, 1978, (43 FR 60313 (1978)). The Departments published the calendar year 1979 quotas for producers located in the Virgin Islands in the **Federal Register** dated April 19 (44 FR 23272 (1979)).

The Departments have verified the data submitted on application form ITA-334P by producers in Guam in accordance with § 303.4(b) of the Codified Watch Quota Rules. The verification established that in calendar year 1978 the Guam watch assembly firms shipped 334,843 watches and watch movements into the customs territory of the United States under General Headnote 3(a) of the Tariff Schedules of the United States. The dollar amount of corporate income taxes paid by Guam producers during calendar year 1978 amounted to $30,109. The dollar amount of wages, up to a maximum of $14,000 per person, paid by Guam producers during calendar year 1978 to residents and attributable to the producers' headnote 3(a) watch and watch movement assembly operations totalled $181,183. The calendar year 1979 Guam annual allocations set forth below are based on the data verified by the Departments in Guam and are made in accordance with the allocation formula contained in the Rules for the allocation of watch quotas for calendar year 1979.

The duty-free watch quota allocations in Guam for calendar year 1979 are as follows:

Name of Firm and Annual Allocation

Jerlian Watch Company, Inc., 233,766.
Phoenix Industries, Inc., 12,265.

FOR ADDITIONAL INFORMATION CONTACT: Mr. Richard M. Seppa, who can be reached by telephone on 202/724-3526.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 28, 1979 (44 FR 18568 (1979)), the International Trade Commission announced that the number of watches and watch movements which may be entered free of duty during calendar year 1979 from Guam is 627,000 units.

The above allocation of quota to Guam producers totals 246,031 units. This equals the amount of the Guam quota available for allocation pursuant to Section 2(b) of the Rules. One of the Guam firms elected the full calendar year 1978 as the base period for establishing its eligibility for additional allocations under Section 3 and for reallocations under Section 6 of the Rules. This firm, however, failed to satisfy the criteria specified in Section 3. The other Guam firm failed to elect either of the alternative base periods for Section 3 eligibility. It also failed to satisfy the criteria on the basis of its 1978 operations and has not sought to establish its eligibility on the basis of its operations during the first quarter of 1979.

Of the remaining 380,969 units of the 1979 Guam quota, 150,000 units have been set aside for allocation to new firms pursuant to Section 5(b) of the Rules.

The number of watches and watch movements authorized for shipment on or after January 1, 1979, under initial quotas previously allocated by the Departments are to be applied against the allocations above, which are for the full calendar year 1979.

Ruth G. Van Cleve,

Director, Office of Territorial Affairs, Department of the Interior.

Richard M. Seppa,

Director, Statutory Import Programs Staff, Bureau of Trade Regulation, Industry and Trade Administration, Department of Commerce.

May 18, 1979.

[FR Doc. 79-16180 Filed 5-22-79; 8:45 am]

BILLING CODE 4310-10-M
BILLING CODE 3510-25-M

Brigham Young University; Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR, Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket Number: 79-00072. Applicant: Brigham Young University, Provo, Utah 84602. Article: JNM/FX 90Q(II) Nuclear Magnetic Resonance Spectrometer, and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for chemical investigations of the following:

(a) Structure of molecules with constrained geometry derived from such compounds as 2,5-norbornadiene and 2,5 norbornadiene.

(b) Structure of synthetic and naturally occurring compounds of potential medicinal interest, particularly anticancer compounds: Non-pteridine heteroycles designed as inhibitors of folate dependent enzymes other than dihydrofolate reductase, e.g., 2-aryl-2,3-dihydro 1*H*-imidazo (1,5-a(quinolinium salts and related quinoxalines and triazanaphthalanes,

(c) Configuration and rates of inversion of novel heterotricyclic compounds.

(d) Search for organoboron compounds which could be used in laser separation of boron isotopes.

(e) Electrochemical oxidation of amines.

(f) Preparation of polymeric surface active agents using perfluorinated amines.

(g) Resins from coal.

(h) Radical-radical reactions of stable radicals.

(i) Macrocyclic polyethers and their derivatives.

(j) Factors which influence conformations and aggregation in biopolymers.

(k) Identify of compounds in air particulates.

(l) Catalysts for photochemical production of hydrogen.

(m) Role of Manganese in photosynthesis.

(n) Synthesis of heterocyclic antimetabolites: Pyrrolopyrimidines, pyrrolopyridazines, pyrrolodipyrimidines, pyrrolodipyridazines, and pyrimidopyrrolopyridazines.

(o) Synthesis of quinilino (1.2-c) quinazoline quarternary salts.

(p) Carcinogenic polycyclic thiophenes in flue dust.

(q) Folic acid antagonists: pyridazino(2.3-d) pyridazines.

(r) Extracts of common barks and berries.

The article will also be used for educational purposes in various chemistry courses.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for measuring T_{1rho}, the spin-lattice relaxation time in the rotating frame. The National Bureau of Standards advises in its memorandum dated March 21, 1979 that (1) the capability of the article described above is pertinent to the applicant's intended research and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16111 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

Food and Drug Administration; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket Number: 79-00060. Applicant: Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Article: LKB 2250-041 PMV Cryo-Microtome type 450 MP and accessories. Manufacturer: LKB Produckter AB, Sweden. Intended use of article: The article will be used to prepare thin frozen sections of both small (mice, quail, rats) and large (monkeys) laboratory animals for histochemical and autoradiological procedures.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides capability for producing 15cm x 45 cm frozen sections. The Department of Health, Education, and Welfare advises in its memorandum dated March 1, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16112 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

Louisiana State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, NW. (Room 735), Washington, D.C.

Docket Number: 79-00041. Applicant: Louisiana State University, Civil Engineering Department, Baton Rouge, LA 70803. Article: Swelling Test Apparatus. Manufacturer: Geonor A.S., Norway. Intended use of article: The article is intended to be used for research in an attempt to satisfy the following general goals;

(1) Identify the swell mechanism of Louisiana soils,

(2) Estimate the magnitude of swell potential of various soil types in Louisiana,

(3) Focus on developing a field method to identify swelling soils.

Specific steps that will be followed in order to satisfy the objectives of the study are:

1. Comprehensive literature study to isolate completed research pertinent to Louisiana soils.

2. An investigation of the physico-chemical and mineralogical properties of typical swelling soils in Louisiana.

3. The development of a field test method compatible and correctable with the laboratory test methods for identifying swelling potential.

4. The field verification of test methods in known swelling soil deposits.

5. The development of a system of mapping the estimated potential/actual swell of the swell-susceptible soils in the State of Louisiana.

6. The experimental mapping of selected areas of Louisiana identifying swelling soils.

7. Estimate the potential damage risk associated with the swelling soils in the mapped areas.

8. Identify, develop and test methods for the improvement of swelling soils, such as lime and lime-fly-ash stabilization (which will be abundantly available in Louisiana in the near future).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article can determine the swell pressures of confined soils. The National Bureau of Standards advises in its memorandum dated March 16, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16113 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

Mount Sinai School of Medicine; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, NW. (Room 735), Washington, D.C.

Docket Number: 79-00022. Applicant: Mount Sinai School of Medicine of the City University of New York, One Gustave Levy Place, New York, N.Y. 10029. Article: Circular Dichroism Automatic Recording Spectro-polarimeter, Model J-500A and Accessories. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used for studies of synthetic polypetides and nucleic acids. Experiments will be conducted to obtain circular dichroism spectra of the molecules and molecular complexes at various temperatures and concentrations. The objectives of these experiments are: (i) To develop quantitative methods of assessing the structure of proteins in solution; (ii) To study subtle changes of the environment of aromatic residues; (iii) to study protein subunit complexes and protein complexes with polysacharides and nucleic acids; and (iv) To compare predicted and experimental structures.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of measurement of circular dichroism spectra as part of research studies on the structure of proteins and polypeptides. The Department of Health, Education, and Welfare advises in its memorandum dated March 1, 1979 that (1) the capability of the foreign article

described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16114 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, NW. (Room 735), Washington, D.C.

Docket Number: 79-00074. Applicant: National Radio Astronomy Observatory, Post Office Box 0, 1000 Bullock Blvd., NW., Socorro, New Mexico 87801. Article: 4,060 pieces TE01 Circular Waveguide and 3,900 Coupling Sleeves and Accessories. Manufacturer: Sumitomo Electric Industries, Japan. Intended use of article: The article is intended to be used as a part of the Very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study the sources of energy, origin, and evolution of the universe.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign articles which are custom-made provide (1) No loss of signal strength over long transmission paths (21 kilometers), (2) transmission of wide signal bandwidths (40 GHz), and (3) very low signal distortion (VSWR). The National Bureau of Standards (NBS) advises in its memorandum dated March 22, 1979 that the capabilities of the articles described above are pertinent to the applicant's intended use. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as the articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16115 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

Purdue University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, NW. (Room 735), Washington, D.C.

Docket Number: 79-00076. Applicant: Purdue University, Purchasing Department, FREH Building, West Lafayette, Indiana 47907. Article: Model GX 20 Rotating Anode X-Ray Generator and Accessories. Manufacturer: Marconi Eliott Avionics, United Kingdom. Intended use of article: The article is intended to be used as high intensity fine focus X-ray source for the investigation of the crystal and molecular structure of small spherical RNA viruses.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size 200 microns and a rotating target for maximum x-ray beam intensity. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 22, 1979 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16116 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-25-M

Thomas Jefferson University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. at 666-11th Street, N.W., (Room 735) Washington, D.C.

Docket Number: 79-00062. Applicant: Thomas Jefferson University, 1020 Walnut Street, Philadelphia, PA 19107. Article: Diaphanoscope. Manufacturer: Durillon and Lasseigne, France. Intended use of article: The article is intended to be used in the diagnosis and follow-up medical care of patients suspected of having breast tumors which at the present time is an area of investigation. In addition, the article will be used in the course Surgery-350, a third year course in surgical diagnosis and treatment.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides intensity to 300,000 lux. The Department of Health, Education, and Welfare advises in its memorandum dated March 22, 1979 that (1) the

capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-16117 Filed 5-22-79; 8:45 am]

BILLING CODE 3501-25-M

National Oceanic and Atmospheric Administration

Southwest Fisheries Center; Modification of permit

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 220 issued to the Southwest Fisheries Center, National Marine Fisheries Service, La Jolla, California 92038, on February 3, 1978 (43 FR 6827), is modified in the following manner:

Section B-14 is added

14. Of the animals authorized in Section A-2a, two may be taken, tagged, and released in the waters surrounding the Hawaiian Islands.

The Permits as modified, and documentation pertaining to the modification are available for review in the following office:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 16, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-16121 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council and Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act (FCMA) of 1976 (Pub. L. 94-265) and the Scientific and Statistical Committee (SSC) established under Section 302(g)(1) of the FCMA will hold separate meetings to discuss: (1) Fifth draft of the Billfish Fishery Management Plan (FMP); (2) draft of Environmental Impact Statement (EIS)/FMP for the Spiny Lobster Fisheries; (3) draft regulations and FMP for the Precious Coral Fishery; (4) status of Bottomfish and Seamount Groundfish FMP's; and (5) other business.

DATES: The SSC meeting will convene on June 6 & 7, 1979, at 8:30 a.m., adjourning at 4:30 p.m. on both days. The Council meeting will convene on June 25 & 26, 1979, at 8:30 a.m., adjourning at 4:30 p.m. on both days. The meetings are open to the public.

ADDRESS: The SSC meeting will take place at the Gardenia Room of the Ala Moana Americana Hotel, Honolulu, Hawaii. The Council meeting will take place at the Conference Center, Pago Pago, American Samoa.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

Dated: May 17, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-16205 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

[Transmittal 328; Admin. Order 216-11]

Flood Plain Management and Protection of Wetlands

This order is effective May 9, 1979.

Section 1. *Purpose.* .01 The purpose of this Order is to prescribe the Department of Commerce policies and procedures for implementing Executive Orders 11988 and 11990.

.02 This revision incorporates a number of suggestions and comments obtained from the Water Resources Council, the Federal Insurance Administration and the Council on Environmental Quality, pursuant to the consultation process required by section 2(d) of Executive Order 11988.

Sec. 2. *Scope.* On May 24, 1977, the President issued Executive Orders 11988 (Flood-plain Management) and 11990 (Protection of Wetlands). These Orders direct Federal agencies to avoid, to the extent possible, all actions associated with the modifications or destruction of floodplains and wetlands, or that may increase the risk of loss of life and property resulting from flood and storm damage.

Sec. 3. *Definitions.* The following definitions apply to DAO 216-11 and to all implementing orders issued by each organization unit of the Department.

.01 *Flood or Flooding* is a general and temporary condition of partial or complete inundation or normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

.02 *Floodplains.* Floodplains are lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year. The term floodplain shall be taken to mean the *base floodplain* unless the action is a critical action, in which case the *critical action floodplain* is a minimum floodplain of concern.

a. *Base floodplain* (or 100-year floodplain)—the area subject to inundation from a flood of a magnitude that occurs once every 100 years on the average (the flood having a 1.0 percent chance of being equalled or exceeded in any given year).

b. *Critical action floodplain* (or 500-year floodplain)—the area subject to inundation from a flood of a magnitude that occurs once every 500 years on the average (the flood having a 0.2 percent chance of being equalled or exceeded in any given year).

.03 *Wetlands.* Wetlands are those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetation or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Examples of wetlands include swamps, fresh and salt water marshes, beaches, bogs, sloughs, potholes, wet meadows, mud flats, river overflows, natural ponds, as well as areas separated from their natural supply of water through man-made alterations such as dikes, berms, floodwalls, and levees.

.04 *Organization Unit.* As used in this Order, organization unit(s) means all Departmental offices and operating units of the Department of Commerce with program responsibilities subject to the floodplain and wetland Executive Orders.

.05 *Action.* An action is any Department activity including: a.

Acquiring, managing, disposing of Federal lands and facilities;

b. Providing financial assistance including, but not limited to, grants, loans, contracts, subsidies, and guarantees or amendments to such forms of assistance for the acquisition of land and the construction of facilities and improvements; and

c. Conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating and licensing activities.

.06 *Critical Action.* A critical action is an action which, if located in a floodplain, poses a greater than normal risk for flood-caused loss of life or property. The minimum floodplain of concern for critical actions is the 500-year floodplain. Critical actions include, but are not limited to, actions which create facilities or extend the useful life of facilities:

a. Which produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;

b. Such as schools, hospitals, and nursing homes, which are likely to contain occupants who may not be sufficient mobile to avoid the loss of life or injury should flooding occur; and

c. Such as emergency operation centers, essential public utilities, and data storage centers, which contain records or services that may become lost or inoperative should flooding occur.

.07 *Related Activities.* Related activities are those undertakings that are interdependent parts of an action. They either make possible or support an action, or are themselves induced or supported by an action or related activities. Related activities may or may not be Federally permitted or assisted.

.08 *Impacts.* Impacts are changes in floodplain or wetland values and functions. Impacts may occur as either direct or indirect results of an action. Impacts are a direct result of an action whenever the action causes a change in floodplain or wetland values and functions. Impacts are an indirect result of an action whenever an action induces or makes possible related activities which affect the natural values and functions of floodplains or wetlands.

.09 *Alternatives.* Alternatives are those actions, in addition to the proposed action, with similar benefits and which eliminate or minimize impacts on a floodplain or wetland.

.10 *Minimize.* Minimize means to reduce to the smallest amount or degree practicable.

.11 *Mitigation Measures.* Mitigation measures are measures to minimize the impacts of the proposed action on a floodplain or wetland, including measures to preserve and, wherever practicable, restore natural values and functions. Examples of mitigation measures include, but are not limited to:

a. Floodplain or wetland habitat restoration;

b. Collecting and treating runoff resulting from an action prior to its discharge into a floodplain or a wetland;

c. Establishing a vegetative buffer zone between the site of a proposed action and adjacent floodplains or wetlands; or

d. Improving habitat values and functions through mangagement.

.12 *Practicable.* Practicable is defined as an action capable of being performed within existing constraints. This test depends upon the particular situation and the constraints imposed by environmental, economical, legal, and technological considerations. However, the test is *not* limited by the temporary unavailability of sufficient financial resources to implement either an alternative to a proposed action or a mitigation measure necessary to minimize impact. Thus, alternatives or mitigation measures shall not be rejected as "impracticable" solely on the basis of a reasonable increase in cost.

Sec. 4. *Policy.* .01 The head of each organization unit shall ensure that all of its activities related to this Order are conducted in accordance with Executive Orders 11988 and 11990, the Water Resources Council's "Flood-plain Management Guidelines" (43 FR 6030), and the Water Resources Council's Unified National Program for Floodplain Management. The heads of organization units with programs that may produce impacts on floodplains or wetlands shall issue specific procedures for complying with the Executive Orders. It shall be the responsibility of the heads of all organization units to devise mechanisms and to inform all prospective participants in their programs of the intent of Executive Orders 11988 and 11990 and the Department's policy as stated in this Order.

.02 No organization unit shall participate in any action that would impact a floodplain or wetland until that organization unit determines that no practicable alternative exists to the action. In this case, the no action alternative shall be considered. Where a determination is made that no practicable alternative exists to impacting a floodplain or wetland and the no action alternative is unacceptable, the organization unit shall ensure that action chosen is the alternative which minimizes those impacts, *and* that all practicable mitigation measures are incorporated into the action which:

a. Minimize the risks of loss of life and property due to flood and storm damage;

b. Minimize the adverse impacts on floodplain and wetland values and functions; and

c. Restore and preserve the natural and beneficial values served by floodplains and wetlands.

.03 Whenever an action requires locating in a floodplain or wetland area, each organization unit shall require locating the action, if practicable, within the floodplain and not within the wetland.

.04 The following proposed actions that impact wetlands not located within the floodplain are exempt from these procedures:

a. Federally assisted or permitted actions under construction prior to September 11, 1978, which was the effective date of the initial issuance of this Order; or

b. Federal actions for which a draft or final Environmental Impact Statement (EIS) was filed prior to October 1, 1977.

.05 Each organization unit, in carrying out this policy, shall ensure that its actions are consistent with State coastal zone managment programs as approved by the Secretary under the Coastal Zone Management Act of 1972 as amended (16 U.S.C. 1451 *et seq.*). Each organization unit shall also ensure that its actions are in compliance with Section 10 of the Rivers and Harbors Act of 1899 and with Section 404 of the Clean Water Act of 1977 which require Department of the Army permits for construction and disposal of dredged material in waters of the United States, including adjacent wetlands (3 CFR Parts 320–340) and with the flood insurance purchase requirements of the Flood Disaster Protection Act of 1973, as amended.

Sec. 5. *Procedures.* .01 Organization Unit Responsibilities.

a. The Deputy Assistant Secretary for Environmental Affairs shall serve ad the focal point in the Department of implementing the requirements of this Order.

b. Each organization unit in implementing DAO 216–6 shall in addition determine whether the action under consideration is located in or would otherwise impact a floodplain or wetland. The determination shall be made in accordance with the Water Resources Council's "Guidance for Determining a Floodplain Location," (Vol. 42 FR 52590–52599, September 30, 1977).

c. If a determination is made that a floodplain or wetland is impacted, each organization unit shall:

1. Determine if there is a practicable alternative which would avoid such impact. If no such alternative exists, determine if there is a practicable alternative which minimizes the impact on floodplains and wetlands; and

2. Identify and analyze resulting impacts including impacts on public health, safety and welfare; and floodplain and wetland natural values and functions.

d. Each organization unit, in any requests for new authorizations or appropriations intended for transmittal to the Office of Management and Budget, shall indicate, if an action to be proposed will be located in a floodplain or a wetland, whether the proposed action is in accord with Executive Order 11988 or 11990, respectively.

e. Organization units which guarantee, approve, regulate, or insure any financial transaction which is related to an area located in a floodplain shall, prior to completing action on such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the floodplain.

.02 *Public Notification Requirements.* a. If it is determined that a proposed action would impact a floodplain or wetland, each organization unit shall ensure compliance with the public notification requirements of section 2(b) of E.O. 11514. Specifically, a notice of the proposed action must be published in the newspaper of greatest circulation in the vicinity of the proposed action. The notice shall appear for at least three consecutive days and shall include a physical description of the location and surrounding area and the nature and extent of the proposed action. Attempts should also be made to inform the community, by publication or other means, in the area where the impact of the proposed action will occur. The organization unit shall allow at least 30 days from the publication date of the last required notice for receipt of public comments.

b. The organization unit shall arrange for a public meeting to discuss the action where the organization unit determines that a public meeting will serve the public interest. The organization unit shall ensure that at least two notices of such public meeting are published in the newspaper having the greatest circulation in the vicinity of the proposed action. Wherever possible, the community in the action's area of impact shall also be informed. The first of the required notices shall be published 15 to 20 days before the meeting date, and the second notice 2 to 4 days before the meeting date. Such notice shall include the location, date, and time of the meeting, a description of the proposed action's location and the surrounding area, and a brief description of the proposed action. In addition, copies of the notices shall be mailed to appropriate local, State and Federal agencies, public interest groups, news media, and any other agencies, groups, or individuals who have an interest in the action. If a public meeting is held concerning a proposal which requires an EIS, the meeting shall not be held until at least 15 days have elapsed from the date of publication of the draft EIS. The organization unit shall ensure that a written transcript of the meeting is prepared.

c. Each organization unit shall coordinate publication activities under this Order with the Office of Public Affairs.

d. In coordinating organization unit procedures under this Order and DAO 216-6, each organization unit may establish additional public notification and consultative procedures, as appropriate, or as required by other authorities.

.03 *Final Notice and Findings.* Upon determination of the practicable alternative and mitigation measures, the organization unit shall ensure the publication of a final notice of the proposed action. The notice shall be published in the newspaper of greatest circulation in the vicinity of the proposed action for at least three consecutive days, and shall include a physical description of the location and surrounding area, a detailed description of the proposed action, the measures used to mitigate impacts, and the projected date of the action's initiation and completion. Such notice shall also include: (i) The reasons why the action is proposed to be located in a floodplain or wetland; (ii) a statement indicating whether the action conforms to applicable State and local floodplain protection standards; and (iii) a list of the alternatives considered. For programs subject to the Office of Management and Budget Circular A-95, the organization unit shall send a notice, not to exceed three pages in length including a location map, to the State and areawide A-95 clearinghouses for the geographic areas affected. Attempts should also be made to inform the community, by publication or other means, in the area where the impact of the proposed action will occur. The organization unit shall wait 15 days after publication of final notice before initiating the action.

Sec. 6. *Department of Commerce Real Property.* .01 Construction of structures and facilities shall be in accordance with the standards and criteria promulgated under the National Flood Insurance Program, and shall deviate only to the extent that such standards and criteria are demonstrably inappropriate for a given type of structure or facility.

.02 If new construction of structures or facilities must be located in a floodplain, accepted floodproofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, structures shall be elevated above base flood level rather than filling in land, wherever practicable. Where new construction must be located in a wetland, all practicable measures shall be taken to minimize harm to the wetland which may result from such use.

.03 If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible organization unit shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of and knowledge about flood hazards.

.04 When property in floodplains or wetlands is proposed for lease, easement, right-of-way, or disposal to non-federal public or private parties, the responsible organization unit shall:

a. Reference in the conveyance those uses that are restricted under identified Federal, State, or local floodplain or wetlands regulations; and

b. Attach other appropriate restrictions to the uses of such properties by the grantee or purchaser and any successors, except where prohibited by law; or

c. Withhold such properties from conveyance.

Sec. 7. *Emergency Actions.* Nothing in this Order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Guy W. Chamberlin, Jr.,

Acting Assistant Secretary for Administration.

[FR Doc. 79-16110 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-17-M

National Climate Program Advisory Committee; Establishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) and the Office of Management and Budget Circular A-63 of March 1974, notice is hereby given that the National Climate Program Advisory Committee has been established by the Secretary of Commerce under the authority of and as directed by Section 5(e)(1) of the National Climate Program Act of 1978, Pub. L. 95-367.

The Committee will advise and make recommendations to the Secretary and the Congress, through the Administrator of the National Oceanic and Atmospheric Administration, on the conduct and priorities of the National Climate Program, the scientific rigor of the research aspects, the effectiveness and appropriateness of the service aspects, and the role of the United States in international efforts to measure, understand and respond to climate and climate changes. The scope of the Committee's activities is outlined in the Program specific in the National Climate Program Act of 1978, enacted September 17, 1978, and covers assessments of the effects of climate; basic and applied research; climate forecasts; global data collection, monitoring, analysis and dissemination activities; and program planning.

The Committee will consist of about 15 minutes, with a balanced representation of scientific groups, academia, users, conservationists, environmentalists, consumers, lawyers, agriculturists, etc., appointed by the Secretary of Commerce.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter has been filed under the Act.

Any inquiries regarding the establishment or the activities of the National Climate Program Advisory Committee may be addressed to the Director, National Climate Program Office, National Oceanic and Atmospheric Administration, Rockville, Maryland, 20852, phone: 301-443-8646.

Dated: May 16, 1979.

Guy W. Chamberlain, Jr.,

Assistant Secretary for Administration.

[FR Doc. 79-16109 Filed 5-22-79; 8:45 am]

BILLING CODE 3510-17-M

COMMODITY FUTURES TRADING COMMISSION

Merger of the New York Cocoa Exchange, Inc., Into the New York Coffee & Sugar Exchange, Inc.; Request for Public Comment

The Commodity Futures Trading Commission ("Commission") is requesting public comment on the recently proposed merger of the New York Cocoa Exchange, Inc. into the New York Coffee and Sugar Exchange, Inc. The Commission, to aid in its consideration of any anticompetitive implications of the merger under Section 15 of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. § 19 (1976), is seeking public comment on the effects of the merger plan.

Under Section 15 of the Act, the Commission is required, in approving any rule of a contract market, to:

> * * * take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of [the] Act, as well as the policies and purposes of [the] Act * * *

The proposed plan of merger [1] calls for the New York Cocoa Exchange to be merged into the New York Coffee and Sugar Exchange, with the New York Coffee and Sugar Exchange being the surviving entity. Membership in the merged exchange will be composed of the members of each of the constituent exchanges.

At the time of the merger, amendments to the bylaws and rules of the New York Coffee and Sugar Exchange, the surviving entity, are to become effective. These amendments are intended to establish several new committees, and expand or reorganize existing exchange committees. The surviving exchange plans to seek Commission designation as a contract market for cocoa and rubber, and to adopt the existing floor and trade rules of the Cocoa Exchange, with the exception of its time stamping rule, to govern trading practices in these commodities. Should designation be granted, these commodities will be traded through the facilities of the surviving exchange, located in the Commodity Exchange Center in New York.

The written data, views, or arguments of any interested person concerning the possible anticompetitive impact of the proposed merger on the futures trading industry are invited, and should be submitted no later than July 9, 1979 to Ms. Jane Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Issued in Washington, D.C. on May 17, 1979.

James M. Stone,

Chairman, Commodity Futures Trading Commission.

[FR Doc. 79-16076 Filed 5-22-79; 8:45 am]

BILLING CODE 6351-01-M

[1] The merger plan as set forth has been approved by the boards of both exchanges and by a vote of their memberships.

DEPARTMENT OF DEFENSE

Department of the Army

Change of Mission at Fort Polk, La.; Filing of Environmental Impact Statement

In compliance with the National Enviromental Policy Act of 1969, the Army, on May 16, 1979, provided the Environmental Protection Agency, as required by the Council on Environmental Quality, a Final Environmental Impact Statement (FEIS) concerning the permanent stationing of the 5th Infantry Division (Mechanized)(-) at Fort Polk, Louisiana.

Copies of the statement have been forwarded to concerned Federal, State and local agencies. Interested organizations or individuals may obtain copies from Commander, 5th Infantry Division (Mechanized) (-) and Fort Polk, Attention: AFZX-FEO, Fort Polk, Louisiana 71459, telephone (318) 537-7008.

In the Washington area, inspection copies may be seen during normal duty hours in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone: (202) 694-3434.

Bruce A. Hildebrand,

Deputy for Environment, Safety and Occupational Health, OASA(IL&FM).

[FR Doc. 79-15989 Filed 5-22-79; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS) Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) is scheduled to be held from 12 noon to 5 p.m., June 18, 1979 and from 9 a.m. to 1 p.m., June 19, 1979 in Room 3D318 or Room 1E801, The Pentagon. Meeting sessions will be open to the public.

This special meeting has been called by the Chairperson, in order to follow-up on priority projects and to ensure a smooth transition of Committee business between rotating staff personnel and the Executive Committee Members.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee Meeting must contact Lt. Col. Barbara J. Roy, Executive Secretary, DACOWITS, OASD (Manpower, Reserve Affairs and Logistics), Room 3D322, The Pentagon, Washington, D.C. 20301, telephone 202-697-5655 no later than June 11, 1979.

H. E. Lofdahl,

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

[FR Doc. 79-16074 Filed 5-22-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Refiners Crude Oil Allocation Program; Supplemental Notice for Allocation Period of April 1, 1979, Through September 30, 1979

The notice specified in 10 CFR 211.65(g) of the refiners' crude oil allocation (buy/sell) program for the allocation period of April 1, 1979, through September 30, 1979 was issued March 30, 1979 (44 FR 21062, April 9, 1979). Subsequent to the publication of this Notice, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) assigned emergency supplemental allocations for the month of April 1979 pursuant to 10 CFR 211.65(c)(2) to a number of refiner-buyers and issued a supplemental buy/sell list on April 11, 1979. (44 FR 21062, April 9, 1979). The ERA hereby issues a second supplemental buy/sell list for the allocation period of April 1, 1979, through September 30, 1979, which sets forth emergency supplemental allocations for the months of April, May and June 1979, assigned pursuant to 10 CFR 211.65(c)(2), as amended on April 27, 1979 (44 FR 26060, May 4, 1979).

The supplemental buy/sell list for the allocation period April 1, 1979, through September 30, 1979, is set forth as an appendix to this notice. Included as part of the list are the names of those refiners-buyers and other small refiners granted emergency supplemental allocations for the months of April, May and June 1979 and their eligible refineries; the quantity of crude oil each refiner is eligible to purchase; the fixed percentage share for each refiner-seller; the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyer pursuant to the buy/sell notice for the April 1, 1979, through September 30, 1979, allocation period issued March 30, 1979; the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers for the emergency supplemental allocations listed herein; the total sales obligation of each refiner-seller; and the total sales obligation for all refiner-sellers.

The allocations for refiner-buyers on the supplemental buy/sell list were determined in accordance with 10 CFR 211.65(c)(2). Sales obligations for refiner-sellers were determined in accordance with 10 CFR 211.65 (e) and (f).

The buy/sell list covers PAD Districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to 10 CFR 211.65(f), each refiner-seller shall offer for sale during an allocation period, directly or through exchanges to refiner-buyers, a quantity of crude oil equal to that refiner-seller's sales obligation plus any volume that the ERA directs the refiner-seller to sell pursuant to 10 CFR 211.65(j).

Pursuant to 10 CFR 211.65(h), each refiner-buyer and refiner-seller is required to report to ERA in writing or by telegram the details of each transaction under the buy/sell list within forty-eight hours of the completion of arrangements therefor. Each report must identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

The procedures of 10 CFR 211.65(j) provide that if a sale is not agreed upon subsequent to the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request that the ERA direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such request must be received by the ERA no later than 20 days after the publication date of the buy/sell notice for the allocation period for which the assignment of a refiner-seller is requested. Upon such request, the ERA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer.

In directing refiner-sellers to make such sales, ERA will consider the percentage of each refiner-seller's sales obligation for the allocation period that has been sold as reported pursuant to § 211.65(h), as well as the refiner-seller or sellers that can best be expected to consummate a particular directed sale. If, in ERA's opinion, a valid directed sale request cannot reasonably be expected to be consummated by a refiner-seller that has not completed all or substantially all of its sales obligation for the allocation period, the ERA may issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period. In such cases, the refiner-seller or sellers will receive a barrel-for-barrel reduction in their sales obligations for the next allocation period pursuant to 10 CFR 211.65(f)(3)(ii).

If the refiner-buyer declines to purchase the crude oil specified by ERA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation period, provided that the refiner-seller or refiner-sellers have fully complied with the provision of 10 CFR 211.65.

Refiner-buyers making requests for directed sales must document their inability to purchase crude oil from refiner-sellers by supplying the following information to ERA:

(i) Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy/sell program transactions.

(ii) Name and location of the refineries for which crude oil has been sought, the amount of crude oil sought for each refinery, and the technical specifications of crude oil that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations, or contrainsts on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Names and locations of all refiner-sellers from which crude oil has been sought under the buy/sell notice, the refineries for which crude oil has been sought, and the volume and specifications of the crude oil sought from each refiner-seller.

(v) The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

(vi) Such other pertinent information as ERA may request.

All reports and applications made under this notice should be addressed to: Chief, Crude Oil Allocation Branch, 20th Street Postal Station, P.O. Box 19028, Washington, D.C. 20036. Copies of the decisions and orders assigning the emergency supplemental allocations listed herein, as well as the applications,

may be obtained from: Economic Regulatory Administration, Public Information Office, 2000 M Street, NW., Rm B110, Washington, D.C. 20461, (202) 634–2170.

The ERA Public Information Office also has available copies of pending applications for emergency allocations under the buy/sell program.

This notice is issued pursuant to Subpart G of DOE's regulations governing its administration procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before June 22, 1979.

Issued in Washington, D.C., May 16, 1979.

Doris J. Dewton,

Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

Appendix

The Buy/Sell list for the period April 1, 1979, through September 30, 1979, is hereby amended to reflect emergency allocations for the months of April, May and June 1979, decisions of the Office of Hearings and Appeals, and the resulting changes in sales obligations of refiner-sellers. The amended list sets forth the name of each refiner-seller, the volumes of crude oil that each such refiner-seller is required to offer for sale to refiner-buyers, emergency allocations for the months of April, May and June 1979, and allocations resulting from decisions issued by the Office of Hearings and Appeals. The amended list does not reflect volumes sold by refiners-sellers for the April 1, 1979, through September 30, 1979, allocation period.

Office of Hearings and Appeals Decisions

By Decision and Order dated May 3, 1979, the Office of Hearings and Appeals, Department of Energy, rescinded ERA's January 31, 1979, order allocating Sigmor 357,200 barrels of crude oil (Case Number DEA–0335). This volume has been subtracted from the unsold obligations of all refiner-sellers that were carried over from the October 1978–March 1979 allocation period into the April–October 1979 allocation period.

By Interim Decision and Order dated May 10, 1979, the Office of Hearings and Appeals granted exception relief to Energy Cooperatives, Inc. (ECI), which operates a single refinery in East Chicago, Indiana, specifying that "Notwithstanding any contrary provisions of 10 CFR 211.65(a), ECI shall be regarded as a refiner-buyer for the allocation period April 1 through September 30, 1979, and its right to purchase crude oil pursuant to 10 CFR 211.65 is hereby established at 3,316,829 barrels." (Case Number DEN–2816).

Crude Oil Allocation Program Sales Obligations for the Period Apr. 1, 1979–Sept. 30, 1979

Refiner-Sellers	Share*	Sales obligation (barrels)
Amoco Oil Co	.105	2,210,962
Atlantic Richfield Co	.077	1,604,963
Chevron U.S.A., Inc	.101	2,387,185
Cities Service Co	.025	1,180,650
Continental Oil Co	.004	81,748
Exxon Co., U.S.A.	.089	1,818,890
Getty Refining & Marketing Co	.021	549,016
Gulf Refining & Marketing Co	.091	2,155,201
Marathon Oil Co	.022	458,086
Mobil Oil Corp	.094	1,974,371
Phillips Petroleum Co	.041	870,730
Shell Oil Co	.113	2,501,528
Sun Co	.055	1,254,134
Texaco Inc	.114	2,295,425
Union Oil Co. of California	.046	1,088,450
Total Sales		22,431,359

*All Refiner-Sellers' percentage shares have been changed to reflect the Continental Oil Company and Exxon Company, U.S.A. Decision and Order dated March 20, 1979. Case numbers are FEX–0184 and FEX–0185.

Emergency Allocations for April 1979

Refiner	Refinery location	April 1979 allocation (barrels)
Delta	Memphis, Tenn	280,800
Texas City	Texas City, Tex	604,800
United	Warren, Pa	253,350
Total		1,138,950

Emergency Allocations for May and June 1979

Refiner	Refinery location	May 1979 allocation (barrels)	June 1979 allocation (barrels)
Allied Materials	Stroud, Okla	42,087	55,710
Bruin	St. James, La	200,477	211,260
Caribou Four Corners	Woods Cross, Utah	20,369	15,240
Crystal Refining Co	Carson City, Mich	70,680	68,400
Ergon	Vicksburg, Miss	185,473	179,190
Galdieux	Fort Wayne, Ind	176,886	171,180
Gulf States	Corpus Christi, Tex	40,548	95,820
Hudson	Cushing, Okla	184,760	478,800
Industrial Fuel & Asphalt	Hammond, Ind	0	33,030
Lakeside	Kalamazoo, Mich	11,043	21,030
Marion	Mobile, Ala	0	71,880
NCRA	McPherson, Kans	597,432	352,350
Placid	Port Allen, La	197,842	188,190
Rock Island	Rock Island, Ind	600,501	611,130
Sage Creek	Cowley, Wyo	1,798	1,560
Shepherd	Jennings, La	63,829	76,770
Southern Union	Lovington, N. Mex	209,002	114,330
Texas City	Texas City, Tex	1,147,992	746,670
Tipperary	Ingleside, Tex	63,643	55,440
United	Warren, Pa	162,719	455,160
Western	Woods Cross, Utah	44,175	30,180
Total		4,021,256	4,033,320

Additional April–September 1979 Allocation

Refiner	Refinery location	Allocation (barrels)
Energy Cooperatives, Inc	East Chicago, Ind	3,316,829

	Barrels
Total Previously Published Allocations	9,921,004
Emergency Allocations (April)	1,138,950
Emergency Allocations (May)	4,021,256
Emergency Allocations (June)	4,033,320
Plus: ECI Allocation	3,316,829
Total allocations	22,431,359

[FR Doc. 79-16025 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of settlements.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that a Consent Order was entered into between the ERA and the firm listed below during the month of April 1979. The Consent Order represents a settlement between the DOE and the firm involving a sum of less than $500,000 in the aggregate, excluding any penalties and interest. For Consent Orders involving sums of $500,000 or more, Notice will be separately published in the **Federal Register.** This Consent Order is concerned exclusively with payment of the settlement amount to all injured parties for overcharges made by the company, during the time period indicated below, through direct refund or rollback of prices.

For further information regarding this Consent Order, please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street, NE, Atlanta, Georgia 30309, telephone number (404) 881-2661.

Firm name and address	Settlement amount	Product	Period covered	Recipients of settlement
Huffman Oil Co., Burlington, NC 27215	$64,390	No. 2 Fuel Oil, Kerosene.	11/1/73-4/30/74 11/1/73-6/30/76	(1) All Reseller and Residential Accounts. (2) All Commercial Accounts. (3) All Church Accounts. (4) McGill Taxi. (5) Elon College. (6) Elon Home for Children. (7) Wham and Hunt Construction. (8) Levin Brothers.

Issued in Atlanta, Ga., on the 24th day of April 1979.

James C. Easterday,

District Manager.

[FR Doc. 79-16026 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

Gasoline Marketing Advisory Committee and Ad Hoc Subcommittees Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Gasoline Marketing Advisory Committee Ad Hoc Subcommittees and the Gasoline Marketing Advisory Committee will meet, Monday, June 11, 1979, at the time and place indicated below.

The purpose of the Committee is to provide the Department of Energy with expert and technical advice concerning the wholesale and retail selling of gasoline.

Concurrent meetings of Ad Hoc Subcommittees on Title III of the Petroleum Marketing Practices Act (Dealer Day in Court) and Vapor Recovery, 2000 M Street, Room 2105, Washington, D.C.—9:00 a.m. to 10:00 a.m.

Full Committee, 2000 M Street, Room 4223, Washington, D.C.—10:00 a.m. to 5:00 p.m.

The tentative agenda is as follows:

- Old business.
- Reports of the Subcommittees.
- Gasoline supply and allocation issues.
- Office of Hearings and Appeals exceptions and appeals process.
- New business.
- Public Comment (10 minute rule).

The meetings are open to the public. The Chairmen of the Committee and Subcommittees 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 Committee or Subcommittees will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements should inform the Advisory Committee Management Office, (202) 252-5187, at least 5 days prior to the meetings and reasonable provision will be made for their appearance on the agenda.

Transcripts of the meetings will be available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase copies of the transcripts from the reporter. An Executive Summary of the full committee meeting may be obtained by calling the Advisory Committee Management Office at the number above.

Issued at Washington, D.C., on May 16, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79-16028 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-003]

National Steel Corp. for its Weirton Steel Division, Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Take notice that on April 10, 1979, National Steel Corporation (National) on behalf of its Weirton Steel Division, Three Springs Drive, Weirton, West Virginia 26062, filed an application pursuant to 10 CFR Part 595 (44 FR 20398, April 15, 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 NW., Washington, D.C. 20461.

In its application, National stated that the volume of natural gas subject to certification is 3,000 Mcf per day, and the eligible seller is David S. Towner Enterprises, P.O. Box 402, 5537 Beavercrest Drive, Lorain, Ohio. This natural gas will be used to displace approximately 600,000 gallons of #6 fuel oil (1.4 percent sulfur) per month and will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325.

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, NW., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, within

ten (10) calendar days of the date of publication 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 National Steel Corporation and any persons filing comments, and filed in the **Federal Register.**

Issued in Washington, D.C., May 16, 1979.

Doris J. Dewton,

Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-16027 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

Dalton J. Woods; Proposed Remedial Order

Pursuant to 10 C.F.R. 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 Dalton J. Woods (Woods), 1412 Mid South Towers, Shreveport, Louisiana 71101. This proposed Remedial Order charges Dalton J. Woods (Woods) with pricing violations in the amount of $51,392.91 caused by Woods' having made sales of crude oil at prices in excess of those permitted under the Federal Energy Administration (now the DOE) price rule in 10 C.F.R. 212.73. ERA maintained that the overcharges were the result of Woods' characterization of certain crude oil as "new" and "released" crude oil based upon Woods' interpretation of the term "property."

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager, Southwestern District Enforcement, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 749-7626. On or before June 7, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 C.F.R. 205.193

Issued in Dallas, Texas, on the 14th day of May, 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement.

[FR Doc. 79-16126 Filed 5-22-79; 8:45]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 14, 1979.

On May 2, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Railroad Commission of Texas, Oil and Gas Division

FERC Control Number: JD79-3717
API Well Number: 42-481-31483
Section of NGPA: 103
Operator: Texas Oil and Gas Corporation
Well Name: Reynolds Well No. 3
Field: Bonus
County: Wharton County
Purchaser: Columbia Gas Transmission Corp.
Volume: 150 MMcf.

FERC Control Number: JD79-3718
API Well Number: 42-499-00000
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Gamblin G. H. No. 1
Field: Winnsboro
County: Wood
Purchaser: Lone Star Gas Company
Volume: 24,000 MMcf.

FERC Control Number: JD79-3719
API Well Number:
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Vira Harrell No. 12
Field: Saxet
County: Nueces
Purchaser: Delhi Gas Pipeline Corp.
Volume: 42 MMcf.

FERC Control Number: JD79-3720
API Well Number: 42-355-31238
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Isensee T. H. No. 12
Field: Saxet
County: Nueces
Purchaser: Delhi Gas Pipeline Corp.
Volume: 60 MMcf.

FERC Control Number: JD79-3721
API Well Number: 42-365-30784
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Pippen Estate 3
Field: Panola
County: Panola
Purchaser: United Gas Pipeline Co.
Volume: .8 MMcf.

FERC Control Number: JD79-3722
API Well Number: 42-365-30783
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Pippen Estate 2
Field: Panola
County: Panola
Purchaser: United Gas Pipeline Co.
Volume: .8 MMcf.

FERC Control Number: JD79-3723
API Well Number: 42-365-30780
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Pippen Estate No. 1
Field: Panola
County: Panola
Purchaser: United Gas Pipeline Co.
Volume: 8,000 MMcf.

FERC Control Number: JD79-3724
API Well Number: 42-365-30788
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Myers 3
Field: Panola
County: Panola
Purchaser: United Gas Pipeline Co.
Volume: 19,000 MMcf.

FERC Control Number: JD79-3725
API Well Number: 42-365-30790
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Myers 2
Field: Panola
County: Panola
Purchaser: United Gas Pipeline Co.
Volume: 19,000 MMcf.

FERC Control Number: JD79-3726
API Well Number: 42-365-30791
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Myers 1
Field: Panola
County: Panola
Purchaser: United Gas Pipeline Co.
Volume: 19,000 MMcf.

FERC Control Number: JD79-3627
API Well Number: 42-365-30781
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Lizzie Griffin 5
Field: Panola
County: Panola
Purchaser: United Gas Pipeline Co.
Volume: 28,000 MMcf.

FERC Control Number: JD79-3728
API Well Number: 42-365-30776
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Lizzie Griffin 3
Field: Panola
County: Panola
Purchaser: United Gas Pipeline Co.
Volume: 28 MMcf.

FERC Control Number: JD79-3729
API Well Number: 42-365-30717
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Lizzie Griffin 2
Field: Panola
County: Panola
Purchaser: United Gas Pipeline Co.
Volume: 28,000 MMcf.

FERC Control Number: JD79-3730
API Well Number: 42-365-30662
Section of NGPA: 103
Operator: Crystal Oil Company
Well Name: Holt 2
Field: Panola
County: Panola
Purchaser: United Gas Pipeline Co.
Volume: 4,000 MMcf.

FERC Control Number: JD79-3731
API Well Number: 42-285-31281
Section of NGPA: 102
Operator: Texas Oil and Gas Corp.
Well Name: Stovall "O" Well No. 1
Field: Speaks, S.W.
County: Lavaca County
Purchaser: Texas Eastern Transmission Corp.
Volume: 145 MMcf.

FERC Control Number: JD79-3732
API Well Number: 42-261-30398
Section of NGPA: 102
Operator: Texas Oil and Gas Corporation
Well Name: Erck Well No. 5
Field: McGill
County: Kenedy County
Purchaser: Florida Gas Transmission Co.
Volume: 183 MMcf.

FERC Control Number: JD79-3733
API Well Number: 42-261-30413
Section of NGPA: 102
Operator: Texas Oil and Gas Corporation
Well Name: Erck Well No. 6
Field: McGill
County: Kenedy County
Purchaser: Florida Gas Transmission Co.
Volume: 365 MMcf.

FERC Control Number: JD79-3734
API Well Number: 42-261-30397
Section of NGPA: 102
Operator: Texas Oil and Gas Corporation
Well Name: Erck Well No. 4
Field: McGill
County: Kenedy County
Purchaser: Florida Gas Transmission Co.
Volume: 146 MMcf.

FERC Control Number: JD79-3735
API Well Number: 42-409-31215
Section of NGPA: 103
Operator: Texas Oil and Gas Corporation
Well Name: Griffith and Associates
Field: Papalote
County: Bee County
Purchaser: Transcontinental Gas Pipeline Corp.
Volume: 110 MMcf.

FERC Control Number: JD79-3736
API Well Number: 42-301-30072
Section of NGPA: 107
Operator: Exxon Corporation
Well Name: Linebery Gas Unit 1 Well 2
Field: Linebery
County: Loving County
Purchaser: Northern Natural Gas Company
Volume: 183 MMcf.

FERC Control Number: JD79-3737
API Well Number: 42-261-30239
Section of NGPA: 102
Operator: Exxon Corporation
Well Name: John G. Kenedy, Jr., "E" Well No. 22-D
Field: El Paistle
County: Kenedy
Purchaser: Natural Gas Pipeline Co.
Volume: 146 MMcf.

[FR. Doc. 79-16049 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 14, 1979.

On May 2, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of New Mexico, Energy and Minerals Department, Oil Conservation Division

FERC Control Number: JD79-3566
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: State E #8
Field: Jalmat-Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas
Volume: 1.2 MMcf.

FERC Control Number: JD79-3567
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: State E #2
Field: Jalmat-Langlie Mattix
County: Lea
Purchaser: Phillips Petroleum Co.
Volume: 8.2 MMcf.

FERC Control Number: JD79-3568
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: State A 32 #4
Field: Jalmat-Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas
Volume: 20.0 MMcf.

FERC Control Number: JD79-3569
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: South Eunice Unit—Phase 2 #6
Field: New Mexico Federal Unit
County: Lea
Purchaser: Phillips Petroleum Co.
Volume: 4.4 MMcf.

FERC Control Number: JD79-3570
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: Shanan 33 #1
Field: Jalmat-Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas
Volume: 11.6 MMcf.

FERC Control Number: JD79-3571
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: State KT-24 #2
Field: Arrowhead E-M-E
County: Lea
Purchaser: Warren Petroleum Company
Volume: 7.0 MMcf.

FERC Control Number: JD79-3572
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: State A-32 #2
Field: Jalmat-Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas
Volume: 2.5 MMcf.

FERC Control Number: JD79-3573
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: State KR-11 #1
Field: Arkansas Junction
County: Lea
Purchaser: Warren Petroleum
Volume: 19.4 MMcf.

FERC Control Number: JD79-3574
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: State KT-24 #1
Field: Arrowhead E-M-E
County: Lea
Purchaser: Warren Petroleum
Volume: 12.8 MMcf.

FERC Control Number: JD79-3575
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: N. El Mar Unit #43
Field: El Mar
County: Lea
Purchaser: Phillips Petroleum Co.
Volume: 0.1 MMcf.

FERC Control Number: JD79-3576
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: Eumont-Hardy Unit #30
Field: Arrowhead E-M-E
County: Lea
Purchaser: Warren Petroleum
Volume: 0.8 MMcf.

FERC Control Number: JD79-3577
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: Eumont-Hardy Unit #43
Field: Arrowhead E-M-E
County: Lea
Purchaser: Warren Petroleum
Volume: 0.8 MMcf.

FERC Control Number: JD79-3578
API Well Number:
Section of NGPA: 108
Operator: Continental Oil Company
Well Name: F. C. Hill #1
Field: Terry Blinebry
County: Lea
Purchaser: Getty Oil Co.
Volume: 5.2 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of

Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 17, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16950 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 14, 1979.

On April 24, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

West Virginia Department of Mines, Oil and Gas Division

FERC Control Number: JD79-4156
API Well Number: 47-039-1005
Section of NGPA: 108
Operator: Pennzoil Company
Well Name: Black Band Fuel No. 12
Field: Washington
County: Kanawha
Purchaser: Consolidated Gas Supply Corporation
Volume: 3.6 MMcf.

FERC Control Number: JD79-4157
API Well Number: 47-039-1004
Section of NGPA: 108
Operator: Pennzoil Company
Well Name: Black Band Fuel No. 11
Field: Washington
County: Kanawha
Purchaser: Consolidated Gas Supply Corporation
Volume: 8.0 MMcf.

FERC Control Number: JD79-4158
API Well Number: 47-039-0955
Section of NGPA: 108
Operator: Pennzoil Company
Well Name: Black Band Fuel No. 5
Field: Washington
County: Kanawha
Purchaser: Consolidated Gas Supply Corporation
Volume: 6.0 MMcf.

FERC Control Number: JD79-4159
API Well Number: 47-039-0999
Section of NGPA: 108
Operator: Pennzoil Company
Well Name: Black Band Fuel No. 9
Field: Washington
County: Kanawha
Purchaser: Consolidated Gas Supply Corporation
Volume: 14.0 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as condifidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 7, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16051 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP74-61 (PGA No. 79-1)]

Arkansas Louisiana Gas Co.; Compliance Filing

May 17, 1979.

Take notice that on April 30, 1979 Arkansas Louisiana Gas Company (Arkla) tendered for filing the following revised tariff sheets to be effective April 1, 1979, applicable to its FERC Rate Schedule No. G-2.

2nd Substitute 19th Revised Sheet No. 4.
2nd Revised Sheet No. 12C.
2nd Revised Sheet No. 12D.
1st Revised Sheet No. 12G.
1st Revised Sheet No. 12H.

Arkla states that it has modified the rates set forth on 2nd Substitute 19th Revised Sheet No. 4 to include in its purchased gas costs, the addition of intrastate purchases where such gas is a part of its integrated system supply and to eliminate all purchased gas costs which relate to off system retail sales.

Arkla states that Revised Tariff Sheet Nos. 12C and 12D applicable to Arkla's purchased gas adjustment clause and Revised Tariff Sheet Nos. 12G and 12H applicable to Arkla's Louisiana First Use Tax Adjustment Clause reflect revisions to effect the recovery of its deferred account (Account 191) under Rate Schedule No. G-2 over a 12-month collection period.

Arkla also states that in accordance with the Commission's settlement order of April 30, 1979, Arkla had made refunds in the amount of $80,000, prorated among its G-2 customers in accordance with their 1978 purchases.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16164 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP7610 (PGA No. 79-1)]

Arkansas Louisiana Gas Co.; Compliance Filing

May 17, 1979.

Take notice that on May 15, 1979, Arkansas Louisiana Gas Company (Arkla) tendered for filing 2nd Substitute 17th Revised Sheet No. 185 to be effective April 1, 1979, applicable to its FERC Rate Schedule No. X-26.

Arkla states that it has modified the rates set forth on the above described tariff sheet to include in its purchased gas costs, the addition of intrastate purchases where such gas is a part of its integrated system supply and to eliminate all purchased gas costs which relate of off-system retail sales.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 79-16163 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-362]

Boston Edison Co.; Filing

May 16, 1979.

The filing Company submits the following:

Take notice that on May 8, 1979 Boston Edison Company ("Edison") tendered for filing three unexecuted service agreements supplementing Boston Edison Company FERC Electric Tariff Original Volume No. 1 Non-Firm Transmission Service. The service agreements describe the amounts and periods of transmission service required by each of the three customers during the period March 1, 1979 to October 31, 1981.

Edison requests that two of the service agreements be made effective on March 1, 1979 and that the third be made effective on April 1, 1979. Edison requests waiver of the 60-day notice requirement for this purpose.

Edison states that it has served the filing on the affected customers and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 79-16052 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER76-495]

Carolina Power & Light Co.; Compliance Filing

May 16, 1979

Take notice that on April 20, 1979, Carolina Power & Light Company (CP&L) tendered for filing Revised Tariff Sheets and a Cost-of-Service Study pursuant to the Commission's February 12, and April 24, 1979 orders. CP&L indicates that this filing is being made under protest in accordance with the Company's request to the U.S. Court of Appeals for the District of Columbia Circuit for a stay of the order pending final resolution of this docket.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 79-16053 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-367]

Central Louisiana Electric Co., Inc.; Filing

May 17, 1979.

The filing Company submits the following:

Taken notice that on May 14, 1979, Central Louisiana Electric Company, Inc. (CLECO) tendered for filing a supplement dated March 22, 1979 to its Agreement for Electric Service with Cajun Electric Power Cooperative, Inc. (CAJUN), Rate Schedule FPC No. 21. The Supplement provides for additional substation capacity at the existing Veazie (9-J) delivery point serving Southwest Louisiana Electric Membership Corporation (SLEMCO).

CLECO requests waiver of the Commission's notice requirements in order to permit the amendment to become effective June 1, 1979.

Copies of this filing were served upon CAJUN, SLEMCO and the Louisiana Public Service Commission, according to CLECO.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 79-16165 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP78-19 and RP78-20]

Columbia Gulf Transmission Corp. and Columbia Gas Transmission Corp.; Informal Settlement Conference

May 16, 1979.

Take notice that an informal settlement conference will be convened in the above-entitled dockets on May 31, 1979. The times and places are as follows:

May 31, 1979—2:00 P.M.; Room 8402, 825 N. Capitol St.

June 1, 1979—9:30 A.M.; Room 3200, 941 N. Capitol St.

The purpose of the conference will be to discuss possible settlement of all issues, simplification of the issues to be briefed, or any other matter any party may wish to discuss.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Presiding Judge or the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16054 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER77-546]

Dayton Power & Light Co.; Filing

May 18, 1979.

Take notice that on April 23, 1979, Dayton Power & Light Company

tendered for filing pursuant to the Commission's letter order dated March 22, 1979, a Refund Report covering the refund made on April 9, 1979, to the City of Piqua, Ohio. The Refund Report consists of five schedules as follows:

Schedule A—Summary of refund made
Schedule B—Billing determinants and revenues for prior rates
Schedule C—Billing determinants and revenues for present rates
Schedule D—Billing determinants and revenues for settlement rates
Schedule E—Determination of refund and interest applicable

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before June 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16055 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket NO. CP78-443]

El Paso Natural Gas Co.; Petition To Amend

May 16, 1979.

Take notice that on May 2, 1979, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP78-443 a petition to amend the order of January 12, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for Southwest Gas Corporation (Southwest) at additional existing points of delivery in the Tucson, Arizona area, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of January 12, 1979, in the instant docket, Petitioner was authorized to transport up to 2,500 Mcf of natural gas per day for Southwest, and to deliver the gas, less shrinkage, to Southwest, on a best efforts basis, at various existing delivery points within the State of Arizona and at the Arizona-Nevada Boundary, pursuant to the terms of a gas transportation agreement dated June 30, 1978, between Petitioner and Southwest. It is stated that the agreement is on file with the Commission as special Rate Schedule T-15 to Petitioner's FERC Gas Tariff, Third Revised Volume No. 2.

The petition states that prior to the January 12, 1979, order, Petitioner and Tucson Gas & Electric Company (TG&E) entered into a letter agreement dated June 14, 1978, providing for the sale by TG&E and the purchase by Southwest of all of the gas utility assets owned by TG&E, which arrangement was implemented and made effective April 1, 1979. Pursuant to the Commission's order of February 23, 1979, in Docket No. CP79-90, Petitioner was granted authorization to deliver and sell natural gas to Southwest, in lieu of TG&E, for resale and general distribution in and about the City of Tucson, Arizona, and its environs, it is indicated.

Petitioner states that Southwest has advised it that certain quantities of natural gas produced from three wells in which Southwest has an interest (The Federal E #1, Exxon State B Com and McMillan Federal Com #1) in Eddy County, New Mexico, have been made available to Southwest for use in meeting requirements in its service areas, including Tucson. Petitioner indicates that in view of the acquisition by Southwest of TG&E's gas utility assets, Southwest now desires Petitioner to include as a part of the transportation agreement the existing points of delivery acquired by Southwest from TG&E in and about the City of Tucson, and its environs, so that such gas can be used to satisfy its customers' needs in the Tucson area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 16, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16056 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79-12]

El Paso Natural Gas Co.; Tariff Filing

May 16, 1979.

Take notice that on May 14, 1979, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Commission's regulations under the Natural Gas Act, certain substitute and revised tariff sheets to its FERC Gas Tariff,[1] providing proposed adjustments to its rates contained on the tariff sheets submitted in the notice of change in rates filed at Docket No. RP79-12 on November 30, 1978, and currently under suspension until June 1, 1979.[2]

El Paso states that ordering paragraph (C) of the Commission's December 28, 1978, order required it to file substitute revised tariff sheets to become effective subject to refund as of June 1, 1979, containing revised rates which reflected the impact of the adjustments required by said ordering paragraph (C) associated with Construction Work in Progress ("CWIP") respecting facilities which were not in service as of May 31, 1979, advance payments, production tax and royalty costs and the effective Gas Research Institute ("GRI") Funding Unit Adjustment rate as of June 1, 1979.

El Paso states that since the CWIP amount of $19,149,498 claimed in rate base in this proceeding has been transferred to Plant in Service, as a part of the total amount of $29,219,614 in CWIP which has been closed to Plant in Service during the period August 31, 1978, through February 28, 1979, no adjustment is required to be made in the rates suspended at Docket No. RP79-12 for CWIP. In compliance with the conditions set forth in ordering paragraph (C) of the Commission's December 28, 1978, order, El Paso has revised its base tariff rates downward by 0.45¢ per Mcf to reflect (i) the balance of advance payments as of May 31, 1979, and (ii) the production tax and gas well royalty costs as of June 1, 1979. El Paso further states that it has revised the rates currently under suspension at Docket No. RP79-12 in order to reflect,

[1] The tendered tariff sheets are identified on the appendix attached hereto.

[2] By order issued December 28, 1978, and Errata Notice dated February 16, 1979, at Docket No. RP79-12, the Commission, *inter alia*, conditionally accepted for filing said revised tariff sheets and the rates and modifications set forth therein, and suspended the use thereof until June 1, 1979.

where applicable, an increase in the GRI Funding Unit Adjustment rate from 0.12¢ per Mcf to 0.35¢ per Mcf, commencing January 1, 1979, which was approved by the Commission's Opinion No. 30 and accompanying order issued September 21, 1978, at Docket No. RP78-76, as modified by Order Granting Rehearing issued November 22, 1978, at Docket No. RP78-76.

El Paso states that in its suspension order of December 28, 1978, the Commission permitted it to make offsetting adjustments to the suspended rates which were made "* * * pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders." [3] Accordingly, El Paso has adjusted the rates currently under suspension at Docket No. RP79-12 in order to:

(i) Reflect an increase in rates attributable to El Paso's notice of change in rates filed March 1, 1979, as supplemented by filing made April 24, 1979, pursuant to El Paso's PGAC and PGAC-CHPG, which notice of change was conditionally made effective April 1, 1979, by the Commission's letter order dated March 30, 1979, at Docket Nos. RP72-155 and RP78-18 (PGA 79-1 and AP 79-1);[4] and

(ii) Reflect, where applicable, an increase in rate attributable to El Paso's notice of change in rate filed February 28, 1979, as supplemented by filing made March 15, 1979, respecting El Paso's recovery of the Louisiana First-Use Tax ("LFUT"),[5] which notice of change was made effective April 1, 1979, by the Commission orders issued March 30, 1979, and May 9, 1979, at Docket No. RP79-53, *et al.*

El Paso states that it concurrently filed its motion to place increased rates into effect on June 1, 1979, the end of the suspension period in Docket No. RP79-12. A copy of said motion is attached to the filing.

In order to effectuate the purposes of the instant filing, El Paso has requested that the Commission grant such waiver of its Regulations under the Natural Gas Act as may be deemed necessary in order to permit effectiveness of the tendered tariff sheets, and the rates set forth therein, on June 1, 1979, in the manner described in the accompanying motion.

El Paso states that copies of the filing and attachments thereto, have been served upon all parties of record in Docket No. RP79-12 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before May 31, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16057 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[3] *See* page 2 and condition (1) of ordering paragraph (C) of the Commission's order issued December 28, 1978, at Docket No. RP79-12.

[4] On March 1, 1979, El Paso filed a notice of change in rates, pursuant to its PGAC, to become effective April 1, 1979, and, as a part thereof, provided for a 0.02¢ per Mcf reduction in jurisdictional rates attributable to the Advance Payment Adjustment Provisions of El Paso's settlement agreement approved at Docket No. RP78-18. The effect of such Advance Payment Adjustment is included in the Base Tariff Rate suspended at Docket No. RP79-12; therefore, the 0.02¢ per Mcf reduction included in the March 1, 1979, filing is not included as an adjustment in the tendered tariff sheets. By letter order of March 30, 1979, the Commission directed El Paso to file revised tariff sheets to its March 1, 1979, notice of change in rates, which reflected (i) the elimination of costs from suppliers which those suppliers are not authorized to charge on April 1, 1979, pursuant to the NGPA, the Natural Gas Act and the Regulations thereunder; and (ii) the proper producer-supplier rates from reversionary interest owners. In compliance with such directive, El Paso, on April 24, 1979, filed revised tariff sheets to become effective as of April 1, 1979.

[5] Said notice of change and related tariff tenders were filed pursuant to the Commission's Order Nos. 10, 10-A and 10-B issued August 28, 1978, December 20, 1978, and March 2, 1979, respectively, at Docket No. RM78-23, and were designed to (i) establish a temporary LFUT tracking provision in El Paso's FERC Gas Tariff, Original Volume No. 1 and (ii) give notice of a 0.04¢ per Mcf increase in rate pursuant to such provision effective as of April 1, 1979.

[Docket Nos. RP72-6 and RP76-38 (Storage); Docket Nos. CP76-87, CP76-285, et al., and CP78-182 (Just and Reasonable Issues)]

El Paso Natural Gas Co.; Technical Conference

May 17, 1979.

Take notice that a technical conference in the captioned proceedings will be convened at 10:00 a.m., June 7, 1979 at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. The purpose of the conference will be to clarify or to otherwise discuss data provided by El Paso Natural Gas Company ("El Paso") in response to data requests in this proceeding, including computer data. In order to adequately prepare for the conference, El Paso requested that any party having questions about El Paso-supplied data notify counsel for El Paso of the nature of the question or problem in writing not later than May 25, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16166 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-365]

Kansas Power & Light Co.; Proposed Changes in Rates

May 17, 1979.

The filing Company submits the following:

Take notice that on May 14, 1979, the Kansas Power and Light Co. (Kansas) tendered for filing an amendment dated March 21, 1979, to that Certain Contract dated September 21, 1973, with Flint Hills Rural Electric Cooperative Association, Inc., for wholesale service to that Cooperative. Kansas states that this is a supplement to a contract dated September 21, 1973, and designated KPL Rate Schedule FPC No. 155. This amendment will provide for a change in maximum capacity for two delivery points, and the addition of a new delivery point. The proposed effective date is April 10, 1979, and Kansas requests that the Commission waive the notice requirements as allowed in § 35.11 of its regulations. According to Kansas, the net billing for the twelve preceeding months the proposed change in agreements was $328,826.23. In addition, Kansas states that copies of the agreement have been mailed to Flint Hills Rural Electric Cooperative Association, Inc., and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16167 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2895]

Kimberly-Clark Corp.; Application for Preliminary Permit

May 15, 1979.

Take notice that on December 21, 1978, the Kimberly-Clark Corporation filed an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C., Section 791 (a)-825(r)) for a proposed waterpower project to be known as the Appleton Upper Dam Project, FERC No. 2895, located on the Fox River in Outagamie County, Wisconsin. The proposed project would utilize a U.S. Corps of Engineer's Dam. Correspondence with the Applicant should be directed to: Mr. W. G. Wilson, Staff Vice President, Environmental Protection and Energy Management, Kimberly-Clark Corporation, Neenah, Wisconsin 54956.

Purpose of Project—The Kimberly-Clark Corporation would use most of the power generated at the project for its own industrial operations, and dispose of any surplus power through sales to the Wisconsin Electric Power Company,.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time a study would be made of the engineering, environmental, and economic feasibility of the project. This study would also consider the cost of removing the Applicant's abandoned powerhouse, in addition to constructing a new powerhouse in the same general area, and installing new generating equipment within the new powerhouse. The Applicant estimates the cost of the proposed studies would be $175,000.

Project Description—The Appleton Upper Dam Project would consist of: (1) the existing 400-foot-long and 50-foot-wide canal, extending from west to east; (2) a new powerhouse with new units capable of generating 2,200 kW; and (3) appurtenant facilities. The estimated average annual output of the proposed project would be 14,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit (a copy of the application may be obtained directly from the Applicant). Comments should be confirmed to substantive issues relevant to the issuance of a permit and consisent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commissions rules of practice and procedure, 18 CFR, § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules.

Any protest, petition to intervene, or agency comments must be filed on or before July 16, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16058 Filed 5-22-79; 8:45am]

BILLING CODE 6450-01-M

[Docket Nos. RP73-43 (PGA77-2), etc.]

Mid-Louisiana Gas Co., et al.; Informal Settlement Conference

May 17, 1979.

In the matter of Mid-Louisiana Gas Company, Docket Nos. RP73-43 (PGA77-2); Gulf Oil Corporation, Docket No. CI77-273; Grand Bay Company, Docket No. CP77-352.

Take notice that an informal settlement conference in the above-mentioned dockets will be convened at 10 a.m. on May 24, 1979, in conference room 7300 of the Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16168 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP76-64; Revised PGA 79-1]

Mountain Fuel Supply Co.; Tariff Sheet Filing

May 16, 1979.

Take notice that on May 15, 1979, Mountain Fuel Supply Company, pursuant to Section 154.62 of the Commission's Regulations under the Natural Gas Act, filed Substitute Eighth Revised Sheet No. 3-A to its FPC Gas Tariff Original Volume No. 1. Mountain Fuel states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment provision authorized by the Commission's order issued February 27, 1976 in Docket No. RP76-64. More specifically the tariff sheet reflects a net rate increase over that currently being collected of $.41571/MCF (X-4), $.39890/MCF (X-5), and $.45140/MCF (X-20) and are to be effective May 1, 1979.

Mountain Fuel states that the filing was made in compliance with the Commission's April 30, 1979, Order in Docket No. RP76-64 (PGA79-1).

Any person desiring to be heard and to make any protest with reference to said filing should on or before June 1, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the

Commission's rules. Mountain Fuel Supply Company's tariff filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16059 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-277]

Northwest Pipeline Corp.; Application

May 16, 1979.

Take notice that on April 18, 1979, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP79-277 an application pursuant to Sections 7 (b) and (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell and deliver natural gas to certain of its existing customers under a new form of service and for permission and approval to abandon such service upon the termination of the agreements between Applicant and those of its customers purchasing such new service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide a new form of winter service which would be implemented through the utilization of storage capacity available to applicant from the Clay Basin and Jackson Prairie Storage Projects in Dagget County, Utah and Lewis County, Washington, respectively. In order to implement the proposed service, Applicant requests the following authorizations and approvals:

1. Authorization to sell and deliver up to 75,000 Mcf per day and 7,500,000 Mcf seasonally from the Clay Basin Storage Field pursuant to a new winter service rate schedule to be designated Rate Schedule WS-1:

2. Authorization to increase the daily withdrawal rate from the Jackson Prairie Storage Project from 300,000 Mcf per day on a firm basis to 325,000 Mcf per day and to increase the working gas inventory in Jackson Prairie by 2,000,000 Mcf on a seasonal basis;

3. Permission and approval to terminate the sale and delivery of natural gas pursuant to the proposed WS-1 rate schedule effective as of April 30, 1982, or such earlier date as Applicant's imports of Canadian gas pursuant to Export License GL-4 terminate.

Applicant states that it has received requests from certain of its customers or their affiliates and parent corporations, for additional gas supplies of up to 75,000 Mcf per day for one hundred days of service during the winter season. Applicant states that in response to this request, due to improved Canadian gas supply and with the proposed alternate utilization of its storage capacity available in the Clay Basin Field and the Jackson Prairie Field, it is able to provide the requested volumes of winter season sales for a three year period beginning October 1, 1979, in addition to providing for existing sales requirements.

Applicant indicates that it must have 150,000 Mcf of peak day storage capacity available to meet its existing firm contractural requirements. It is stated that due to an improvement in the availability of Canadian gas supplies, applicant can more economically supply a portion of such peak day protection of contractual requirements through increased use of Jackson Prairie Storage and, therefore, can make a portion of the Clay Basin Storage capability available for the requested winter service. Applicant states that the present and proposed use of storage capacity is as follows:

	Capacity MCF	
	Peak	Seasonal
Present:		
Clay Basin Storage—Contract Demand Protection	150,000	20,000,000
Jackson Prairie Storage—SGS-1 Peaking Service:		
Northwest Owned Capacity	100,000	3,600,000
Distributor Owned Capacity	200,000	7,200,000
Total Jackson Prairie	300,000	10,800,000
Proposed:		
Clay Basin Storage—Contract Demand Protestion	75,000	12,500,000
WS-1 Winter Service	75,000	7,500,000
Total Clay Basin	150,000	20,000,000
Jackson Prairie Storage—SGS-1 Peaking Service:		
Northwest Owned Capacity	100,000	3,600,000
Distributor Owned Capacity	150,000	7,200,000
Total SGS-1Service	250,000	10,800,000
Contract Demand Protection—Distributor Owned Capacity Purchased	50,000	
Use of Available existing Jackson Prairie Capacity	25,000	2,000,000
	75,000	2,000,000
Total Jackson Prairie	325,000	12,800,000

Applicant proposes to provide a winter service of up to 75,000 Mcf per day and 7,500,000 Mcf seasonally during the period from November 1 through April 30. It is stated that the proposed service would be offered commencing with the 1979-80 heating season and would be considered firm service through December 31, 1981, the present termination date of the Kingsgate import license GL-4, and subsequent to December 31, 1981, through April 30, 1982. The service may be curtailed if the storage capacity is required to meet Applicant's contract demands, it is stated.

It is asserted that the proposed service has been offered to all of Applicant's qualifying jurisdictional customers which are currently receiving either ODL-1 or PL-1 service, and the following parties have requested winter service in the quantities shown:

Customer	Volume (therms)		Volume (Mct at 14.73 psia)	
	Daily	Seasonal	Daily	Seasonal
1979-80 Season:				
Colorado Interstate Gas Company	420,000	42,040,000	40,000	4,000,000
Washington Natural Gas Company	157,650	15,765,000	15,000	1,500,000
Southwest Gas Corporation	210,200	21,020,000	20,000	2,000,000
Total	788,250	78,825,000	75,000	7,500,000

Customer	Volume (therms)		Volume (Mct at 14.73 psia)	
	Daily	Seasonal	Daily	Seasonal
1980-81 Season:				
Colorado Interstate Gas Company	472,950	47,295,000	45,000	4,500,000
Washington Natural Gas Company	157,650	15,765,000	15,000	1,500,000
Southwest Gas Corporation	157,650	15,765,000	15,000	1,500,000
Total	788,250	78,825,000	75,000	7,500,000
1981-82 Season:				
Colorado Interstate Gas Company	630,000	63,060,000	60,000	6,000,000
Washington natural Gas Company	157,650	15,765,000	15,000	1,500,000
Southwest Gas Corporation				
Total	788,250	78,825,000	75,000	7,500,000

It is said that Applicant is establishing a new rate schedule, designated Rate Schedule WS–1, to effectuate the service proposed herein. Pursuant to such rate schedule Applicant is proposing to charge a three-part rate for such service as follows:

(a) Demand Charge: Initially 75.65 cents per month per therm of Buyer's Winter Service demand for each of the six (6) months November through April,

(b) Capacity Charge: Initially .73 cent per month per therm of Buyer's Winter Season Contract Quantity for each of the six (6) months of November through April, and

(c) Commodity Charge: Initially 21.878 cents per month per therm of gas delivered by Seller to Buyer under this rate schedule during the month.

Applicant states that the proposed rate schedule also provides for a minimum bill which would consist of the demand and capacity charges as set forth above plus a minimum commodity charge based on a minimum seasonal volume equal to 60 percent of the Buyer's winter season contract demand.

It is stated that in order to provide the proposed winter service by utilizing Clay Basin supplies. Applicant must utilize Jackson Prairie to protect firm contract demands. To accomplish this purpose, Applicant proposes to:

(a) Increase the working gas inventory in Jackson Prairie by 2,000,000 Mcf, from 10,800,000 Mcf (available for SGS–1 Service) to 12,800,000 Mcf;

(b) Increase the peak day withdrawal capability from Jackson Prairie by 25,000 Mcf per day, from 300,000 Mcf (available for SGS–1 service) to 325,000 Mcf; and

(c) Acquire 50,000 Mcf of daily deliverability from The Washington Water Power Company (Water Power) pursuant to Article 5.4 of the Gas Storage Project Agreement dated June 25, 1970 between Applicant, Water Power and Washington to Natural Gas Company (Washington Natural).

It is stated that Water Power has agreed to release to Applicant, for a term co-incident with the term of the proposed winter service, up to 50,000 Mcf per day of Water Power's one-third share of the firm deliverability available from Jackson Prairie.

Applicant states that the volume released by Water Power together with the proposed 25,000 Mcf per day increase in the Jackson Priairie withdrawal rate would provide Applicant with 75,000 Mcf per day of deliverability in its major market area. The increase in the working gas inventory in Jackson Prairie of 2,000,000 Mcf is required to support the 75,000 Mcf of daily withdrawal capability, it is stated. Applicant states it intends to cycle the 2,000,000 Mcf of working gas during the withdrawal season on days of off-peak demand. Applicant further states that it would re-inject working gas for its account, but in no event would the working gas, stored for Applicant's account, exceed 2,000,000 Mcf at any point in time.

It is asserted that no new facilities are required to effectuate the proposal herein and that the volumes of winter service gas would be sold and delivered to the Buyers at the delivery points set forth in their presently effective service agreements under Rate Schedules Schedules ODL–1 or PL–1 or at the existing point of interconnection between Applicant and El Paso Natural Gas Company (El Paso) at Ignacio, Colorado.

Applicant states that Water Power would release 50,000 Mcf of its SGS–1 daily deliverability to Applicant pursuant to the Jackson Prairie Storage Project agreement. As a result of the release of contract demand, Water Power would receive a credit of $413,000 through the procedure provided in Applicant's SGS–1 Rate Schedule, it is stated.

It is stated that Applicant would, as a result of utilizing a portion of Clay Basin storage capacity to provide the proposed winter service, allocate a portion of the cost-of-service attributable to Clay Basin to its winter service customers thereby reducing Applicant's overall cost-of-service to its other customers by approximately $7,011,000 It is further stated that in addition to the $7,011,000 reduction, Applicant estimates it would, as a result of its utilizing Jackson Prairie Storage for protection of firm contract demand, reduce by approximately $209,000 the amount presently allocated to Applicant's SGS–1 Rate Schedule, thereby reducing the cost to those of its customers presently purchasing storage service under the aforementioned rate schedule. Applicant's increased cost, approximately $1,040,000, for the use of Jackson Prairie in the manner proposed would be assigned to Applicant's contract demand customers and has been reflected as a reduction in the savings of $7,011,000 that such customers would realize as a result of the proposed winter service, it is stated. It is further stated that the net reduction of such costs would be effectuated through an amendment to the rates proposed in Docket No. CP79–57, upon approval of the instant proposals.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further

notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16060 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-293]

Northwest Pipeline Corp.; Application

May 16, 1979.

Take notice that on May 2, 1979, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP79-293 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 4,000 Mcf per day of natural gas for the account of Colorado Interstate Gas Company (CIG), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Northwest states that CIG has acquired or otherwise controls certain natural gas supplies in the Great Divide area of Moffat County, Colorado, which are distant from CIG's existing transmission system. Pursuant to an agreement dated February 27, 1979, which has an initial term of twenty years, Northwest proposes to transport up to 4,000 Mcf of natural gas per day for CIG's account, it is said.

Northwest states that it would purchase 25 percent of said volumes from CIG and would transport the remaining 75 percent of such volumes for CIG's account through Northwest's Great Divide Gathering System facilities to a point of interconnection with Rocky Mountain Natural Gas Company's (Rocky Mountain), Big Hole pipeline in Moffat County, Colorado.

Pursuant to a gas transportation and exchange agreement between Northwest, Rocky Mountain and RMNG Gathering Company (RMNG), dated January 27, 1978,[1] Rocky Mountain would receive from Northwest the subject volumes of natural gas and RMNG, a wholly-owned subsidiary of Rocky Mountain, would redeliver thermally equivalent volumes to Northwest at the existing RMNG exchange meter station located in Mesa County, Colorado, it is asserted.

Northwest would then further transport CIG's gas, on Northwest's mainline system, from the RMNG exchange meter station to the existing point of interconnection between Northwest and CIG in Sweetwater County, Wyoming where Northwest would deliver volumes of gas to CIG which are thermally equivalent to the volumes received from CIG for transportation, reduced by CIG's *pro rata* share of the compressor fuel utilized in transporting CIG's gas through the gathering facilities and further reduced by 2 percent of the volumes received for transportation, as compensation for compressor fuel utilized in transporting CIG's gas through Northwest's mainline facilities, it is asserted.

Northwest indicates that approximately 2,000 Mcf of natural gas per day would be initially tendered by CIG to Northwest.

The application states that, for the proposed transportation of natural gas for CIG, Northwest would charge CIG a three-part rate:

(1) A gathering rate, initially 36.81 cents per Mcf, based on Northwest's cost-of-service for gathering facilities in the Green River area for the volumes transported for CIG's account to the point of interconnection with Rocky Mountain's Big Hole pipeline.

(2) A transportation rate initially 14.3 cents per Mcf, based on Rocky Mountain's cost-of-service attributable to the transportation of CIG's gas through Rocky Mountain's Big Hole pipeline for Northwest's account.

(3) A mainline transportation rate, initially 20.69 cents per Mcf, equal to Northwest's average rolled-in system transmission cost for all volumes transported directly by Northwest for CIG's account from the point of interconnection between RMNG and Northwest to the point of redelivery to CIG; or one-half that rate for any volumes redelivered to CIG by displacement.

The proposed transportation service would enable CIG to make additional volumes of gas available to its market areas and would do so without any unnecessary duplication of facilities, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northwest to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16061 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[1] As amended June 6, 1978, November 20, 1978, and March 12, 1979.

[Docket No. ER79-364]

Southern California Edison Co.; Tariff Change

May 16, 1979.

The filing Company submits the following: Take notice that Southern California Edison Company (Edison) on May 8, 1979 tendered for filing a change of transmission service charges under the provisions of Edison's agreement with San Diego Gas & Electric Company as embodied in Rate Schedule FERC No. 101.

The change of rate for transmission service charges is as follows:

Current rate (8.96 percent rate of return)	New rate (9.6 percent rate of return)	Increase
(a) 1.51 mills/kWh	1.59 mills/kWh	0.08 mills/kWh.
(b) 1.64 mills/kWh	1.72 mills/kWh	0.08 mills/kWh.
(c) 1.36 mills/kWh	1.43 mills/kWh	0.07 mills/kWh.

(a) From Four Corners Generating Station or Moenkopi Substation.
(b) From Mead Substation.
(c) From Eldorado Substation.

Said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison the charges for transmission services shall be adjusted based on said new rate of return. Said new rate of return of 9.6 percent was authorized in CPUC Decision No. 89711, effective January 1, 1979.

Copies of this filing were served upon the San Diego Gas & Electric Company and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16062 Filed 5-22-79; 8:45 am]

BILLING CODE 6540-01-M

[Docket No. RP74-41]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

May 16, 1979.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on April 27, 1979 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Third Substitute Forty-seventh Revised Sheet No. 14
Third Substitute Forty-seventh Revised Sheet No. 14A
Third Substitute Forty-seventh Revised Sheet No. 14B
Third Substitute Forty-seventh Revised Sheet No. 14C
Third Substitute Forty-seventh Revised Sheet No. 14D

These tariff sheets, which were originally filed on April 4, 1979 and which were accepted by the Commission by letter order dated April 13, 1979 for filing with an effective date of March 1, 1979, are being refiled for the sole purpose of correcting an error in supersession.

The proposed effective date of these tariff sheets is March 1, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16063 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP76-30 (PGA No. 79-2)]

Texas Gas Pipe Line Corp.; Tariff Sheet Filing

May 17, 1979.

Take notice that on May 1, 1979, Texas Gas Pipe Line Corporation, pursuant to Section 154.62 of the Commission Regulations under the Natural Gas Act, filed Eighth Revised Sheet No. 4a to its FERC Gas Tariff, First Revised Volume No. 1. Texas Gas states that the filed tariff sheet related to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in Section 12 of the General Terms and Conditions of the tariff. More specifically, the tariff sheet reflects a net decrease over that currently being collected of 14.62¢ per Mcf (at 14.65 Psia) to be effective June 1, 1979.

Any person desiring to be heard and to make any protest with reference to said filing should on or before May 25, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. Texas Gas' tariff filing is on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 79-16169 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP76-321]

Texas Gas Transmission Corp. and Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Petition To Amend

May 16, 1979.

Take notice that on May 8, 1979, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), (Petitioners), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76-321 a petition to amend the order of October 6, 1976,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional exchange point, all as more fully set forth in the petition to amend on file with the Commission and open to the public inspection.

It is indicated that pursuant to the order of October 6, 1976, Texas Gas and Tennessee were authorized to exchange gas at various exchange points.

Petitioners propose to add an additional point of exchange so as to provide for the delivery of natural gas for the account of Tennessee to Texas Gas at a purchase meter station in St. Mary's Parish, Louisiana, pursuant to the terms of a letter agreement dated April 4, 1979, between Petitioners. It is stated that such additional point would provide the means of making available to Tennessee's customers an additional supply of natural gas without the necessity of incurring any additional costs to obtain said supplies.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 7, 1979, file with the Federal Regulatory Commission, Washington,

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16064 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-279]

Transcontinental Gas Pipe Line Corp.; Application

May 16, 1979.

Take notice that on May 4, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-297 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 12,000 Mcf of natural gas per day for Northern Natural Gas Company (Northern), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport on a firm basis for Northern, up to 12,000 Mcf of natural gas per day produced from Block 13, South Pelto Area, offshore Louisiana. It is indicated that the gas would enter pipeline facilities in Block 13 in which Northern has acquired an undivided interest (South Pelto Supply Lateral) and would be transported in such facilities to interconnections with Applicant's system in Ship Shoal Blocks 64 and 70. It is further indicated that pursuant to the terms of a transportation agreement dated December 20, 1978, between Applicant and Northern Applicant would transport the gas from Ship Shoal Blocks 65 and 70 and deliver a thermally equivalent quantity for the account of Northern onshore at the interconnection between the systems of Applicant and Columbia Gulf Transmission Company (Columbia Gulf) in Terreboone Parish, Louisiana (Terrebonne). Applicant states that when deliveries cannot be made at Terrebonne, they may be made at (1) the interconnection between Applicant and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), at mile post 489.73 on Applicant's mainline, Allen Parish, Louisiana (Kinder), (2) the interconnection between Applicant and Tennessee at mile post 26.53 on Applicant's Central Louisiana Gathering system, Acadia Parish, Louisiana (Crowly), (3) the terminus of the Western Leg of Blue Water Project of Columbia Gulf and Tennessee (Egan), (4) the outlet of Continental Oil Company's Acadia Plant, Acadia Parish, Louisiana (Acadia), and (5) any other existing authorized points of interconnection between Applicant and Tennessee hich may be mutually agreeable.

It is stated that for this firm transportation service, Northern would pay Applicant initially a monthly demand charge of $31,080 and a commodity charge of 1.75 cents per Mcf delivered at points other than Terrebonne. For gas delivered at points other than Terrebonne, Applicant would retain initially 1.2 percent of the transportation volumes for compressor fuel and line loss make-up, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance the Commission's Rules.

Take further notice that pursuant to the authority contained in and subject to jurisdiction conferred upon the federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee of this application if no petition to intervene if filed within the time required herein, if the commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16065 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-291]

Transcontinental Gas Pipe Line Corp.; Application

May 16, 1979

Take notice that on May 1, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-291 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, on a firm basis, of 7,000 Mcf of natural gas per day for Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

The application indicates that the natural gas would be produced from Blocks 8 and 13, South Pelto area, off-shore Louisiana.

Transco states that the gas would enter pipeline facilities in Block 13 in which Michigan Wisconsin has acquired an undivided interest and be transported in such facilities to interconnections with Transco's system in Ship Shoal Blocks 65 and 70, off-shore Louisiana. Pursuant to a transportation agreement with Michigan Wisconsin, Transco would deliver a thermally equivalent quantity to Michigan Wisconsin onshore at the outlet of Mobil Oil Corporation's Cameron Plant, in Cameron Parish, Louisiana, it is said.

For this transportation service from Ship Shoal Blocks 65 and 70, Michigan Wisconsin would pay Transco, initially, a monthly demand charge of $21,800 and Transco would retain 1.2 percent of the transportation volumes for compressor fuel and line loss make-up, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules

of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16066 Filed 5-22-79; 8:45 am]

BILLING CODE 16450-01-M

[Project No. 2484]

Village of Gresham, Wis.; Application for Approval of Exhibits K and R

May 15, 1979.

Take notice that an application for approval of Exhibits K and R (Recreation Use Plan) for the Upper Gresham Dam Project No. 2484 was filed on May 18, 1976 (and supplemented on June 13, 1978) by the Village of Gresham, Wisconsin. The project is located on the Red River in the Village of Gresham, Shawano County, Wisconsin. Correspondence with the Village should be directed to: Gresham Municipal Water and Electric Plant, Village of Gresham, Gresham, Wisconsin 54128.

The Village has submitted Exhibits K and R for Commission approval pursuant to Article 13 of the license issued January 16, 1974, for this project. The exhibits were to be filed in order to show the project location and to describe and show public recreation facilities. Existing recreational development at the project site consists of two public boat landings, each with an access road, parking lot, and ramp into water. The sites are located on the south and east sides of Upper Red Lake. There are no other public recreational facilities available at either site or elsewhere at the project.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before June 22, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-16067 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

Energy Research Advisory Board; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Gas Research Institute Program Review Study Group of the Energy Research Advisory Board will meet Monday, June 4, 1979, from 10:00 a.m. to 4:00 p.m., and Tuesday, June 5, 1979, from 9:00 a.m. to 3:00 p.m., at the Gas Research Institute, 2nd Floor Conference Room, 10 West 35th Street, Chicago, Illinois.

Less than the usual 15-day notice for this meeting is given because as part of the approval process for the 1980 Gas Research Institute Program and Plans, the Federal Energy Regulatory Commission has asked the Energy Research Advisory Board to assist it by carrying out an independent review of the program. The filing date is expected to be on June 4, 1979, and consequently, a meeting of the Energy Research Advisory Board Study Group charged with carrying out the review has been scheduled for that date. It was not possible to establish the ERAB Study Group in time to post notice of the meeting a full 15 days in advance.

The purpose of the Energy Research Advisory Board is to advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

The tentative agenda for the meeting is to conduct a review and discussion of the Gas Research Institute Program and Plan.

The meeting is open to the public. The Chairperson of the Study 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 Study Group wil be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should call the Advisory Committee Management Office, 202-252-5187, at least 5 days prior to the meeting and reasonable provision will be made to include their presentation on the agenda.

Transcripts of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on May 18, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79-16249 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

Assistant Secretary for International Affairs; Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States and the Government of Japan.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the reassignment of 165,164 separative work units scheduled for delivery in fiscal year 1984 from DOE's enrichment contract UES/JA/147 with Japan's Electric Power Development Company to DOE's enrichment contract UES/JA/

129 with Japan's Kyushu Electric Power Company.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

Dated: May 17, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-16249 Filed 5-22-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1231-8]

Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on April 18, 1979, the Environmental Protection Agency received an application from Monitor Labs, Inc., San Diego, CA, to determine if its Model 8850 Fluorescent Sulfur Dioxide Analyzer should be designated by the Administrator of the EPA as an equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044) and amended December 1, 1976 (41 FR 52692). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the **Federal Register.**

Dated: May 17, 1979.

Stephen J. Gage,

Assistant Administrator for Research and Development.

[FR Doc. 79-16188 Filed 5-22-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL No. 1231-5]

Data Collection Activities

The purpose of this notice is to identify a data collection activity to be undertaken by the United States Environmental Protection Agency (EPA). The activity is a technical assessment survey of steam stripping used to remove toxic pollutants from process wastewater in the following industries: organic chemicals, plastics, pharmaceuticals, pesticides and rubber. Prior notification of this data collection activity will alert the affected industries that data collection instruments are forthcoming and thus enable them to participate fully in EPA's rulemaking activities.

The data are to be collected under authority to Section 308 of the Clean Water Act of 1977 and will be used in developing effluent limitations guidelines under Sections 301, 304, 306, and 307 of the Act. These activities are subject to Office of Management and Budget (OMB) approval in accordance with OMB Clearance No. 158-12-0160. Under the terms of this Clearance, EPA publishes notices identifying such data collection activities in the **Federal Register.** Usually, notices are published biannually summarizing EPA data collection activities to commence during the subsequent six month period. This is a supplementary notice which, under the terms of the Clearance, may also be used to announce EPA data collection activities. This data collection activity will not begin before the end of a 30 day period following the date of this notice. This notification is also required for OMB concurrence under the Federal Reports Act (144 U.S.C. 3501 et seq.).

This data collection activity will cover 60 plants that employ steam stripping to treat wastewater and the estimated reporting hour burden is 40 manhours per plant.

The individual most familiar with this data collection activity is Paul Fahrenthold, U.S. Environmental Protection Agency, Effluent Guideline Division (WH-552), 401 M Street, SW., Washington D.C. 20460 (202-426-2497).

Dated: May 7, 1979.

Thomas C. Jorling,

Assistant Administrator for Office of Water and Waste Management.

[FR Doc 79-16191 Filed 5-22-79; 8:45 am]

BILLING CODE 6460-01-M

[OPP-50426 §§ FRL 1232-8]

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 21137-EUP-1. EM Laboratories, Elmsford, New York 10523. This experimental use permit allows the use of 662 pounds of the insecticide chlorthiophos on grapes and peaches to evaluate control of grape berry moth, grape leafhopper, omnivorous leafroller, thrips, oriental fruit moth, plum curculio, catfacing insects, green peach aphid, green fruit worm, and red banded leafroller. A total of 162.1 acres is involved. The experimental use permit is effective from April 12, 1979 to April 12, 1980.

No. 21137-EUP-2. EM Laboratories, Elmsford, New York 10523. This experimental use permit allows the use of 611.1 pounds of the insecticide chlorthiophos on grapes and peaches to evaluate control of grape berry moth, grape leafhopper, omnivorous leafroller, thrips, oriental fruit moth, plum curculio, catfacing insects, green peach aphid, green fruit worm, and red banded leafroller. A total of 162.5 acres is involved; this program and the one above are authorized only in the States of California, Georgia, New Jersey, New York, Pennsylvania, and South Carolina. This experimental use permit is also effective from April 12, 1979 to April 12, 1980. The permits will use the same active ingredient, but different formulations. Temporary tolerances for residues of the active ingredient in or on grapes and peaches have been established. (PM-12, Room: E-229, Telephone: 202/426-9425)

No. 201-EUP-64. Shell Chemical Company, Washington, D.C. 20036. This experimental use permit allows the use of the insecticide cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate on beef cattle, dairy cattle, and calves to evaluate control of horn fly, ear tick, spinose tick, face fly, stable fly, house fly, mosquitoes, gnats, and Gulf Coast ear tick. A total of 1,000 head of cattle is involved; the program is authorized only in the States of Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, Wisconsin, and Wyoming. The experimental use permit is effective from April 9, 1979 to April 9, 1981. A temporary tolerance for residues of the active ingredient in the milk fat or body fat of treated cattle has been established. (PM-17, Room: E-229, Telephone: 202/426-9425)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Sec. 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; (7 U.S.C. 136))

Dated: May 10, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-16182 Filed 5-22-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-50368A; FRL 1232-7]

Mobay Chemical Corp.; Amendment to Experimental Use Permit

On Thursday, June 22, 1978 (43 FR 26796), information appeared pertaining to the issuance of an experimantal use permit, No. 3125-EUP-156, to Mobay Chemical Corporation. At the request of the company, that permit has been amended. The experimental use permit now allows the use of 3,000 pounds of the fungicide 1-(4-chlorophenoxy)-3,3-dimethlyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone on grass grown for seed to evaluate control of rust diseases (succinia species) on a total of 1,000 acres in Oregon and Washington. The experimental use permit period was also extended and the permit is now effective until January 1, 1981. This permit is issued with the limitation that all treated grass will be used for seed purposes only. Treated fields will not be grazed nor will any part of the treated crop be used for feed purposes. (PM-21, Room: E-305, Telephone: 202/755-2562)

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; (7 U.S.C. 136)).)

Dated: May 10, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-16183 Filed 5-22-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-420340; FRL 1232-6]

State of North Dakota; Amendment to State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended in 1972, 1975 and 1978 (92 Stat. 819, 7 U.S.C. 136 *et seq.*), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators of restricted use pesticides to submit a plan for that purpose, subject to approval by the Environmental Protection Agency (EPA), and maintain the plan as approved. Notice of approval of the North Dakota State Plan was published in the **Federal Register** on Dec. 23, 1976 (41 FR 55932). Subsequently, on December 28, 1978, North Dakota requested that EPA approve an amendment to the State Plan. Notice of this proposed amendment was published in the **Federal Register** on March 7, 1979 (44 FR 12493), with 30 days allowed for public comment. No comments were received. Therefore, the Regional Administrator, EPA Region VIII, gives notice that the North Dakota State Plan as amended is approved.

Dated: May 16, 1979.

David D. Emery,

Acting Regional Administrator, Region VIII.

[FR Doc. 79-16184 Filed 5-22-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COUNCIL ON THE AGING

Senior Services Committee; Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purposes of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Senior Services Committee of the Council will hold a meeting on June 28, 1979 from 9:00 a.m., to 5:00 p.m., in Room 204, 522 North Central Avenue, Phoenix, Arizona.

The agenda will consist of a discussion among Council members and staff on the issues and problems involved in potential studies regarding the rural elderly and jobs for older workers.

Further information on the Council and the Committee may be obtained from Dr. Thomas F. Davis, Staff Economist, Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245-0441. FCA meetings are open for public observation.

Dated: May 18, 1979.

Nelson H. Cruikshank,

Chairman, Federal Council on the Aging.

[FR Doc. 79-16175 Filed 5-22-79; 8:45]

BILLING CODE 4110-92-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (Stat. 422 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Global Cargo Service Inc., P.O. Box 010283, Flagler Station, Miami FL 33101. Officers: Juan Carlos Pernas, President, Carlos Martin, Vice President.

George E. Toomey, 1023 Briarmead, Houston, TX 77057.

Bill White, Inc., 5959 W. Century Blvd., Suite 208, Los Angeles, CA 90045. Officers: William D. White, President, Mary K. Pindur, Vice President, Katherine L. White, Secretary.

Forwarding Systems International, Inc., 13601 East Whittier Blvd., Suite 1000, Whittier, CA 90605. Officers: C. Lewis Proctor, President, Marion Krocos, Vice President, Jere E. McDonald, Secretary, Mace R. McKinney, Jr., Director.

Marien, Inc., c/o Weathertrol Corp., 7330 N.W. 12th Street, Hispania Tower, 1st Floor, Miami, FL. Officers: Marta Palacios, President, Alejandro C. Trasobares, Secretary-Treasurer.

La Montana Moving & Storage Inc., 1976 Crotona Parkway, Bronx, NY. Officers: Jose E. Burgos, President, Eliseo Morales, Vice President.

By the Federal Maritime Commission.

Dated: May 18, 1979.

Francis C. Hurney,

Secretary

[FR Doc. 79-16179 Filed 5-22-79; 8:45 am]

BILLING CODE 6730-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on May 17, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time

GAO has to review the proposed request, comments (in triplicate) must be received on or before June 11, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Interstate Commerce Commission

The ICC requests clearance of rules governing the filing of applications for the issuance of Certificates of Public Convenience and Necessity authorizing the abandonment of a railroad line or the operation thereof. By decision served November 12, 1976, in Ex Parte No. 274 (Sub-No. 2) the ICC promulgated rules and regulations to implement changes made in the Interstate Commerce Act relating to the abandonment of railroad lines or operation thereof, as a result of enactment of the Rail Reorganization and Regulatory Reform Act of 1976. The applications were previously filed on three forms which ICC has now discontinued and the rules and format for filing applications are contained in the regulations. These rules and regulations are necessary for the Commission to learn, among other things, how much traffic moves over the lines of the railroads; the condition of the abandonment trackage; and what materials can be salvaged after the abandonment and whether they can be sold or used to public advantage in the operations of the applicant and in the public interest. The ICC estimates that 150 applications will be filed annually and that each application will lead to a formal proceeding before the Commission. The ICC also estimates that the time required to prepare each application will average 1,000 hours.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 79-16019 Filed 5-22-79; 8:45 am]

BILLING CODE 1610-01-M

National Institutes of Health

Cancer Control Intervention Programs Review Committee; Cancellation

Notice is hereby given of the cancellation of the meeting of the Cancer Control Intervention Programs Review Committee, National Cancer Institute, June 14-15, 1979, National Institutes of Health, Bethesda, Maryland, which was published in the **Federal Register** on May 9, 1979 (44 FR 27265). For further information, please contact Dr. Louis M. Ouellette, Executive Secretary, Westwood Building, Room 806, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7413).

Dated: May 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-16150 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-08-M

Community Programs and Rehabilitation Work Group; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Community Programs and Rehabilitation Work Group, National Arthritis Advisory Board, on June 21-22, 1979, Denver, Colorado, Room C-503, The Court House, to discuss the States and local health planning activities with reference to health initiatives. On June 21 the meeting will be held from 2:00 to 10:00 p.m., and on June 22 from 9:30 a.m. to 5:00 p.m., all of which will be open to the public. Attendance is limited to space available.

Further information about the meeting may be obtained by contacting Mr. William Plunkett, Executive Director, National Arthritis Advisory Board, P.O. Box 30286, Bethesda, Maryland 20014, (301) 496-1991. Ms. Betsy Singer, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20205, (301) 496-3583, will provide a summary of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: May 14, 1979.

Suzanne L. Fremeau,

Administrative Officer, National Institutes of Health.

[FR Doc. 79-16153 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-08-M

National Arthritis Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Arthritis Advisory Board on July 12, 1979, 9:00 a.m. to 5:00 p.m., at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia, to discuss the Board's activities and to continue the evaluation of the implementation of the long-range plan to combat arthritis. Notice of the Meeting Room will be posted in the Hotel lobby. The meeting will be open to the public. Attendance is limited to space available.

In addition, the following Work Groups of the Board will meet the day before, July 11: Education and Training, Public Policy and Chronic Disease Care; Community Programs and Rehabilitation; Multipurpose Arthritis Centers; Private Sector; and Executive Work Group. The times and meeting locations may be obtained by contacting Mr. William Plunkett, Executive Director, National Arthritis Advisory Board, P.O. Box 30286, Bethesda, Maryland 20014, (301) 496-1991. Ms. Betsy Singer, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A-04, Bethesda, Maryland 20205 (301) 406-3583, will provide summaries of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: May 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-16154 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-08-M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on June 19, 1979, 6:30 p.m. The meeting room location may be obtained by contacting Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Maryland 20014, (301) 496-6045.

The meeting, which will be open to the public, is being held to continue review of the status and implementation of the long-range plan to combat diabetes formulated by the National Commission on Diabetes. Attendance by the public will be limited to space available. Mr. Raymond M. Kuehne (address above) will provide summaries of the meeting and a roster of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health)

Dated: May 14, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-16151 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Advisory Board; Organ Site Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Organ Site Subcommittee of the National Cancer Advisory Board, June 20, 1979, Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20015. The meeting will be open to the public on June 20, from 8:30 a.m. to 9:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 20, from 9:00 a.m. to adjournment, for the review, discussion and evaluation of a renewal application grant for the National Pancreatic Project. This application and the discussion could reveal personal information concerning individuals associated with the application, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request. Dr. Andrew Chiarodo, Executive Secretary, National Cancer Institute, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7194) will furnish substantive program information.

(Catalog of Federal Domestic Assistant Program N. 13.393, 13.394, 13.395, National Institutes of Health)

Dated: May 14, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-16152 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

President's Commission on Foreign Language and International Studies; Meeting

AGENCY: President's Commission on Foreign Language and International Studies.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the President's Commission on Foreign Language and International Studies. It also describes the functions of the Commission. Notice of this meeting is required under the Federal Advisory Committee Act, (5 U.S. Code, Appendix I, Section 10(a)(2)). This document is intended to notify the general public of its opportunity to attend.

DATES: June 7 and 8, 1979.

ADDRESS: U.S. Department of State, Acheson Room, 23rd Street, NW. (between C and D), Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Nan Bell, Staff Director, 1832 M Street, NW., Suite 837, Washington, D.C. 20036 (202) 653–5817.

The President's Commission on Foreign Language and International Studies is established under Executive Order 12054 (April 21, 1978) and Section 9(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I). The Commission is directed to:

(A) Conduct such public hearings, inquiries and studies as may be necessary to make recommendations to the President and the Secretary of Health, Education, and Welfare.

(B) The objectives of the Commission shall be to:

(1) Recommend means for directing public attention to the importance of foreign language and international studies for the improvement of communications and understanding with other nations in an increasingly interdependent world;

(2) Assess the need in the United States for foreign language and area specialists, ways in which foreign language and international studies contribute to meeting these needs, and the job market for individuals with these skills;

(3) Recommend what foreign language area studies programs are appropriate at all academic levels and recommend desirable levels and kinds of support for each that should be provided by the public and private sectors;

(4) Review existing legislative authorities and make recommendations for changes needed to carry out most effectively the Commission's recommendations.

The meeting will take place in Washington, D.C. on June 7–8, 1979, from 9:00 a.m. to 4:30 p.m. and will include Commission discussion on the following issues:

(1) Advanced training and research in foreign languages and international studies;

(2) Adult and community programs in foreign language and international studies;

(3) Business and other private sector needs for foreign language and international expertise;

(4) The federal role in international training and research;

(5) Foreign language studies at all educational levels;

(6) International studies at the collegiate and pre-collegiate levels;

(7) International educational exchanges of students, faculty and adults.

The purpose of these discussions is to arrive at recommendations for the Commission's final report. The meeting will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the office of the President's Commission on Foreign Language and International Studies, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036

Signed at Washington, D.C., on May 15, 1979.

Nan P. Bell,

Staff Director.

[FR Doc. 79-16194 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-02-M

Public Meeting of the Advisory Council on Developing Institutions.

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Advisory Council on Developing Institutions will be held June 7 and 8, 1979, from 9:00 a.m. to 4:00 p.m. in Room 425–A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (Pub. L. 92–463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public. The proposed agenda includes:

(1) A proposed exploratory evaluation study of Title III, HEA;

Title III, HEA, Grant Awards Procedures;

(3) Title III Program Update by the Director, Division of Institutional Development, USOE;

(4) Preparation of the Annual Report for 1979;

(5) General Administrative matters including time and dates of future meetings and site visits by Council Members.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of College and University Unit, Bureau of Higher and Continuing Education, located in Room 3036, ROB-3, 7th and D Streets, SW. Washington, D.C. 20202.

Signed at Washington, D.C. on May 17, 1979.

Preston Valien,

Office of Education Delegate to the Council

[FR Doc. 79-16144 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-89-M

Public Meeting of the National Advisory Council on Equality of Educational Opportunity

AGENCY: National Advisory Council on Equality of Educational Opportunity.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of the forthcoming meeting of the National Advisory Council on Equality of Educational Opportunity. It also describes the functions of the National Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C., Appendix 1, 10(a)(21)). This document is intended to notify the general public of their opportunity to attend.

DATE AND PLACE OF MEETING: June 21-22, 1979; Chicago, Illinois.

ADDRESS: The Drake Hotel, Lake Shore Drive and upper Michigan Avenue, Chicago, Illinois 60611.

FOR FURTHER INFORMATION, CONTACT: Rosemarie Maynez, Administrative Assistant, NACEEO, 1325 G Street, NW., Suite 710, Washington, D.C. 20005. Phone: (202) 724-0221.

The National Advisory Council on Equality of Educational Opportunity is established under Section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII, as amended by Pub. L. 93-380 and Pub. L. 94-482). The Council is established to: (1) Advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting, which is open to the public, will convene at 9:30 a.m. until 4:30 p.m. on Thursday, June 21, 1979, and reconvene at 9:30 a.m. until 12:00 noon on Friday, June 22, 1979. The meeting will be held to review and discuss the Council's final report.

Requests for oral presentations by the public before the Council must be submitted in writing to the Executive Director of NACEEO, Mr. Leo A. Lorenzo, and should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Following the presentation, the statement in writing shall be submitted to the Executive Director.

In the event that the tentative agenda is completed prior to the projected time, the Chairman will adjourn the meeting.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street, N.W., Suite 710, Washington, D.C. 20005, and are available for public inspection.

Signed at Washington, D.C., on May 18, 1979.

Leo A. Lorenzo,

Executive Director.

[FR Doc. 79-16126 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-02-M

Office of Human Development Services

[Program Announcement No. 13628-793]

Demonstration Projects for Child Abuse and Neglect Program; Availability of Grant Funds

AGENCY: Office of Human Development Services, DHEW.

SUBJECT: Announcement of Availability of Grant Funds for Demonstration Projects for the Child Abuse and Neglect Program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for demonstration grants for Fiscal Year 1979 under The Child Abuse Prevention and Treatment Act of 1974, as amended. Regulations governing this program are published in the Code of Federal Regulations in 45 CFR Part 1340.

DATES: The closing date for receipt of applications is August 6, 1979.

Scope of This Announcement

This program announcement is one of two for the Child Abuse and Neglect Research, Demonstration and Service-Improvement Grants Program in Fiscal Year 1979 and 1980. This grants program was identified under the Child Abuse and Neglect Research, Demonstration and Service Improvement priority statement published in the **Federal Register**, March 9, 1979.

Program Purpose

The purpose of the Demonstration Projects for Child Abuse and Neglect Program is to support the operational design, testing and evaluation of new and refined service techniques and service delivery approaches in preventing and treating child abuse and neglect.

Program Objectives

Applications are solicited for demonstration projects which reflect the following program objectives:

1. For Community Action to Prevent Child Abuse and Neglect—

• To develop and implement methods of preventing child abuse and neglect through use of innovative approaches to one of the following preventive activities:

Parent education in child-rearing and coping skills

Community information and referral services to family-supportive services and self-help programs

Prenatal and perinatal parent support programs, including education and peer support groups

Home visit programs for families in need of support.

• To demonstrate ways of incorporating these methods of preventing child abuse and neglect into ongoing community services.

• To develop models of preventive service delivery which can be replicated by other communities and minority organizations.

2. For Child Protection Agency Management of Parental Self-Referrals—

• To encourage voluntary self-referrals of families with problems of child abuse and neglect to public child protection agencies.

• To establish procedures for insuring accountability for treatment services for self-identified cases of child abuse and neglect.

• To establish procedures for referral of at risk cases which are voluntarily reported to public child protection agencies to treatment services outside the formal child protection system.

• To develop comprehensive service networks from intake through follow-up and treatment which can provide compassionate, fair and effective services to families who voluntarily refer themselves to public child protection agencies.

3. For Child Sexual Abuse Treatment Training Institute Pilot Project—

• To design and test within a treatment program context a training program for transferring clinical skills and knowledge about the treatment of child sexual abuse.

• To define and test the most effective, replicable training techniques for dealing with the treatment of child sexual abuse.

• To determine the maximum number of professionals that can be trained and the length of time necessary for an effective training program on treatment of child sexual abuse.

• To define the maximum number of professionals that can be trained and the length of time necessary for an effective training program on treatment of child sexual abuse.

• To define what combination of staff/clients/trainees are most conducive to successful clinical training on child sexual abuse.

• To determine what types of replicable training/treatment models are most cost-effective in terms of numbers served and quality of training experience.

Eligible Applicants

The following organizations and agencies are eligible to apply for these grants:

1. For *Community Action To Prevent Child Abuse and Neglect*—Any public or nonprofit private agency or organization capable of carrying out the demonstration project in a metropolitan area of no less than 250,000 residents or in multicounty rural areas of no less than 100,000 residents may apply for grants under this category. Special consideration will be given to Indian tribes and nonprofit organizations controlled and operated for an by minorities (including Black, Native American, Hispanic and other cultural minority populations and migrant farmworkers). It is expected that nine grants will be awarded in this category: three for projects in metropolitan areas; three for projects in multicounty rural areas; and three for projects carried out by and for minority populations.

2. For *Child Protection Agency Management of Parental Self-Referrals*—Only public agencies with legally mandated responsibility for providing child protective services may apply for this category of grants. It is expected that five grants will be awarded, and consideration will be given to awarding grants so as to provide for geographic and demographic diversity.

3. For *Child Sexual Abuse Treatment Training Institute Pilot Program*—Only public or nonprofit private agencies or organizations with already existing, on-going child sexual abuse treatment programs may apply for a grant under this category. It is expected that one grant will be awarded in this category.

Available Funds

The Administration for Children, Youth and Families expects to award $1,000,000 in Fiscal Year 1979 (of the $18,928,000 appropriated by Congress) for new grants for this demonstration program. A new grant is the initial grant made in support of a project for this program.

Grants for Community Action To Prevent Child Abuse and Neglect demonstration projects will be made for amounts not to exceed $85,000 each. Projects will be supported for three and one-quarter years. The initial grant sustains the Federal share of the budget for the first 15 months of the project. Annual support for the additional time remaining in the project period depends on funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

Grants for Child Protection Agency Management of Parent Self-Referrals demonstration projects will be made for amounts not to exceed $50,000 each. Projects will be supported for two and one-quarter years. The initial grant sustains the Federal share of the budget for the first 15 months of the project. Support for the additional time remaining in the project period depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

A grant for the Child Sexual Abuse Treatment Training Institute Pilot Program will be made for an amount not to exceed $175,000. The project will be supported up to three and one-quarter years. The initial grant sustains the Federal share of the budget for the first 15 months of the project. Annual support for the additional time remaining in the project may be increased to an amount not to exceed $300,000, depending on funds available and the grantt's satisfactory performance of the project for which the grant was awarded.

Grantee Share of the Project

Grantees are not required to provide a share of the budget for this grants program.

The Application Process

Availability of Forms

Application for a grant under the Demonstration Projects for Child Abuse and Neglect Program must be submitted on standard forms provided for this purpose. Application kits which include the forms and Program Guidance materials which should be used in preparing the program narrative sections of the applications may be obtained by writing to:

National Center on Child Abuse and Neglect, Attention: Grants Administrative Assistant, Children's Bureau/ACYF, P.O. Box 1182, Washington, D.C. 20013, Telephone: (202) 755-0587.

Application Submission

One signed original and two copies of the grant application, including all attachments, must be submitted to the address provided below under "Closing Dates for Receipt of Applications."

A-95 Notification Process

The Demonstration Projects for Child Abuse and Neglect Program is covered under the provisions of OMB Circular A-95. Applicants for grants must, prior to submission of an application, notify *both* the State and Areawide A-95 Clearinghouse of their intent to apply for Federal Assistance for this program.

If the application is for a Statewide project which does not affect areawide or local planning and programs, only the State Clearinghouse need by notified. Applicants should contact the appropriate State Clearinghouse (listed in 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

Application Consideration

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families.

The results of the review assist the Commissioner in considering competing applications. The Commissioner's consideration also takes into account comments of HEW Regional and Headquarters program office staff.

Comments may also be requested from appropriate specialists and consultants inside and outside the Federal government. To the extent possible, the Commissioner's final decisions reflect the mandate of the Child Abuse Prevention and Treatment Act of 1974, as amended, "to achieve equitable distribution of assistance * * * among the States, among geographic areas of the Nation, and among rural and urban areas." (Section 4(d))

After the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, unsuccessful applicants are notified in writing of this decision. Successful applicants are notified through the issuance of a Notice of Grant Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is contemplated.

Criteria for Review and Evaluation of Applications

Competing grant applications will be reviewed and evaluated against the following criteria:

1. The applicant organization is capable of carrying out the proposed project, including provision of adequate resources and facilities (5 points)

2. The applicant's presentation of the project's objectives and the results or benefits expected demonstrate a clear understanding of the purpose of the research program (10 points)

3. The applicant's program narrative describes a work program which is comprehensive, clear, and feasible and has the potential for attaining the project's objectives. (This criterion relates to the applicant's detailed work plan, scheduling of activities, plans for collaboration, agreements to provide regular reports, and utilization and dissemination plans) (50 points)

4. The applicant's proposed staff are capable of carrying out the proposed work plan (20 points)

5. The applicant's budget contains estimated costs to the Government which are reasonable considering the anticipated benefits (15 points)

Closing Dates for Receipt of Applications

The closing date for the receipt of applications under this Program Announcement is August 6, 1979.

Applications may be mailed or hand delivered. Hand delivered applications will be accepted during regular working hours of 9:00 a.m. to 5:00 p.m. Hand-delivered applications must be taken to Room 341F-1, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C.

Mailed applications will be considered to be received on time if the application is sent by registered or certified mail not later than the closing date, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service; or the application if received on or before the closing date by the DHEW mail room in Washington, D.C. Mailed applications must be addressed to:

Department of Health, Education, and Welfare, Office of Human Development Services/Humphrey Building, Grants Management Branch—Room 341F-1, 200 Independence Avenue, S.W., Washington, D.C. 20201, 13628-793.

Applications may be submitted at any time previous to the closing dates, and applications received after the closing dates will be returned to the senders without being reviewed.

(Catalog of Federal Domestic Assistance Program Number: 13.628, Child Development-Child Abuse and Neglect Prevention and Treatment)

Dated: May 17, 1979.

Blandina C. Rameriz,

Commissioner for Children, Youth and Families.

Approved: May 18, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

[FR Doc. 79-16070 Filed 5-22-79; 8:45]

BILLING CODE 4110-92-M

[Program Announcement No. 13636-791]

Research and Development Projects in Aging

AGENCY: Office of Human Development Services, DHEW.

SUBJECT: Announcement of Availability of Grant Funds for the Research and Development Projects in Aging Program.

SUMMARY: The Administration on Aging (AoA) announces that applications are being accepted for grants under title IV, Part B of the Older Americans Act of 1965, as amended, for the Research and Development Projects in Aging Program.

DATES: The closing dates for receipt of applications are July 27, 1979 and November 1, 1979.

Scope of This Program Announcement

This program announcement identifies the general program objectives and the funding priorities of the Research and Development Projects in Aging Program for Fiscal Year 1979 and the first half of Fiscal Year 1980. Additional funding priorities will be announced later for the remainder of Fiscal Year 1980.

Program Purpose

The Research and Development Projects in Aging Program is the foundation of AoA knowledge building efforts. The purpose of this program is to award grants which will contribute to the well-being of the elderly by: (1) Identifying and studing current patterns and factors that affect the lives of older persons; and (2) developing, demonstrating, and evaluating approaches and methods for improving the life circumstances of older persons. This program gives particular attention to the needs of the very old and impaired whose problems are aggravated by social isolation, low income, rural residence, and minority status.

Program Objectives

The Research and Development Program authorized in title IV-B of the Older Americans Act is primarily intended to build knowledge in support of three (3) objectives. They are: (1) Understanding the needs and conditions of older persons; (2) developing or modifying public and private policies to improve the life circumstances of older persons; and (3) developing and implementing comprehensive and coordinated community based service systems. AoA has divided each of these three objectives into Strategy Areas. These Strategy Areas are topical categories for which more information is needed. They are designed to organize knowledge building efforts relevant to accomplishing the objective. AoA has identified three (3) Strategy Areas relevant to the objective of understanding needs and conditions, four (4) Strategy Areas relevant to the objective of developing or modifying public and private policies, and two (2) Strategy Areas relevant to the objective of developing community based service systems. AoA intends to award grants pursuant to this notice to projects addressing questions in these Strategy Areas as well as to specified special projects which are relevant to more than one of the problem objectives.

Funding Priorities and Strategy Areas

In each of the Strategy Areas, AoA has identified researchable questions delineating topics about which AoA believes that more knowledge should be generated. These researchable questions are the AoA funding priorities for each Strategy Area. In addition, AoA has

identified certain special projects which are relevant to more than one Strategy Area. The researchable questions and specified special projects are described in a Guidelines document which is included in the application kit and can be obtained from AoA as described below. *The Guidelines document also states which closing date applies to each researchable question or special project.*

An applicant may submit an application addressing a researchable question not specified by AoA which the researcher considers as important or more important than the researchable questions specified. Such applications may include, among others, the further development or utilization of research currently or previously supported by AoA. As long as such applications fall within one or more of the nine (9) Strategy Areas, they made be submitted. In such cases, the applicant must demonstrate convincingly that the proposed research will be equally or more significant and policy relevant than research responsive to the researchable questions within the Strategy Area(s) to which the proposed research pertains.

AoA will consider funding not more than five projects which have an international component and which address researchable questions within the framework of the Strategy Areas. Such applications shall address researchable questions in terms of comparisons between the conditions of the elderly, policies, programs and service delivery systems in the United States and other countries.

In order to insure the maximum usefulness of research funded under this Program, AoA seeks applications of national scope. Applications addressing a question in terms of a particular community are unlikely to be funded. Applicants may present arguments for less-than-national scale research based on such consideration as:

That valid national generalizations could be drawn from research proposed on a smaller scale;

That the proposal calls for study of a prototype suitable for national dissemination;

That a unique but nationally significant situation is proposed for study; or

Where it is not feasible because of cost or other technical problems to conduct the proposed research on a national scale.

A brief description of the content of each Strategy Area and of the Special Projects is set forth below. Following each is listed the number of grants and the range of the amounts of the awards that AoA expects to fund in Fiscal Year 1979 and the first half of Fiscal Year 1980. These figures include awards for applications which address researchable questions not specified in the Guidelines.

Objective I: Understanding the Needs and Conditions of Older Persons

Strategy Area A: Characteristics, Needs and Resources

This Strategy Area is concerned with research related to the characteristics, needs, and resources of older people. This includes not only the elderly as a group, but also specific subgroups, such as minority and rural elderly.

Expected number of awards in FY'79: 5 grants, ranging between $125,000 and $250,000 each; in FY'80: 4 grants, ranging between $85,000 and $175,000 each.

Strategy Area B: Family, Neighborhood and Community

This Strategy Area is concerned with research related to the informal support system of older persons. This includes knowledge about the experiences of families, religious, civic, neighborhood and community organizations providing services to the elderly.

Expected number of awards in FY'79: 4 grants, ranging between $150,000 and $225,000 each; in FY'80: 4 grants, ranging between $90,000 and $150,000 each.

Strategy Area C: Societal Conditions

This Strategy Area is concerned with research related to social conditions which impact on the elderly, such as migratory and age distribution trends, and social political attitudes toward old age.

Expected number of awards in FY'79: 2 grants, each of approximately $150,000; in FY'80: 2 grants, each of approximately $150,000.

Objective II.—Developing or Modifying Public and Private Policies To Improve the Life Circumstances of Older Persons.

Strategy Area D: Economics of Aging: Employment, Retirement and Income

This Strategy Area is concerned with research relevant to policy issues related to employment opportunities for older persons, retirement, and the income of elderly people, including those within and outside of the labor force.

Expected number of awards in FY'79: 5 grants, ranging between $100,000 and $175,000 each; in FY'80: 4 grants, ranging between $75,000 and $125,000 each.

Strategy Area E: Continuing Opportunities: Work, Education and Leisure

This Strategy Area is concerned with research relating to the development of new roles for older persons through participation in work, community and other activities which utilize their experience as a significant social resource and provide continuing opportunities for older persons to lead productive and meaningful lives.

Expected number of awards in FY'79: 2 grants, ranging between $90,000 and $150,000 each; in FY'80: 1 grant of approximately $150,000.

Strategy Area F: Living Arrangements: Housing and Environments

This Strategy Area is concerned with research relevant to policy issues related to housing of the elderly. This includes knowledge about the types of housing units best suited to the needs and preferences of older people, the services required in different housing environments, and the role of the private sector and government in meeting current and projected needs of the elderly renters and home owners.

Expected number of awards in FY'79: 6 grants, ranging between $150,000 and $200,000 each; in FY'80: 2 grants, ranging between $150,000 and $175,000 each.

Strategy Area G: Health Care and Social Services

This Strategy Area is concerned with research relevant to policy issues related to the health of and health care for the elderly, and the allocation of services to older persons. This includes knowledge about the need for and use of health care and social services by the elderly, the adequacy and effects of various methods of paying for services, the targeting of resources on elderly subgroups, and policies affecting the coordination of health and social services.

Expected number of awards in FY'79: 2 grants, ranging between $150,000 and $500,000 each; in FY'80: 3 grants, ranging between $125,000 and $150,000 each.

Objective III: Developing and Implementing Comprehensive and Coordinated Community Based Service Systems

Strategy Area H: Services With an Emphasis on the Vulnerable Elderly

This Strategy Area is concerned with research related to services with an emphasis on the needs of the vulnerable elderly. This includes knowledge about the development of continuum of care systems ranging from services in the

home to institutional care, improving and implementing specific services, and identifying and delivering services to the vulnerable elderly.

Expected number of awards in FY'79: 7 grants, ranging between $125,000 and $190,000 each; in FY'80: 10 grants ranging between $90,000 and $125,000 each.

Strategy Area I: The Aging Network

This Strategy Area is concerned with research related to the activities of State and Area Agencies on Aging and their involvement with the services system. This includes knowledge about the organization, coordination, and delivery of various services to the elderly under the auspices of Area Agencies and other community organizations.

Expected number of awards in FY'79: 7 grants, ranging between $75,000 and $150,000; in FY'80: 5 grants, ranging between $100,000 and $200,000 each.

Special Projects

1. *Assessment of Demonstration Results.* This Special Project is concerned with the development of practical knowledge for policy-makers, researchers and program administrators by assessments of a group or groups of current and recently completed projects which address the same or similar issues, problems, services, service systems, or population groups.

Expected number of awards in FY'79: 2 grants of approximately $125,000 each; in FY'80: 2 grants of approximately $125,000 each.

2. *Codification of Research on the Minority Elderly.* This Special Project is concerned with the codification of research results on minority older people in order to suggest methods to improve the quality, effectiveness, and utilization of services, both formal and informal.

Expected number of awards in FY'79: None; in FY'80: one grant of approximately $150,000.

3. *Technology Transfer.* This Special Project is concerned with the identification and application of technological modifications to improve the quality of life for physically impaired and aged persons living in the community and in institutions.

Expected number of awards in FY'79: None; in FY'80: one grant of approximately $125,000.

4. *Small Grants Program.* The Small Grants Program will fund research projects falling within one or more of the Strategy Areas. However, no researchable questions are specified by AoA for this program. Applicants may propose projects such as state of the art papers, case studies, pilot projects, and data collection and/or analysis projects of limited scope.

Applications under the Small Grants Program must propose a principal investigator who currently holds a doctoral degree or equivalent research experience and has never been a principal investigator or project director on a funded research project (grant or contract) of more than $25,000 in direct costs. Small Grants Program funds may not be used to support doctoral dissertations, Masters theses, or other requirements of a degree program. Also these funds may not be used to supplement research projects currently being supported by AoA or other sources, or which are being proposed for support by AoA or other sources.

Minority participation in this program is strongly encouraged. AoA hopes to award at least one half of these small grants for projects where the principal investigator is a member of one of the following four minority groups: Black, Hispanic, Asian, and American Indian.

AoA also encourages the submission of applications by institutions which generally do not support large scale research activities. These include four year teaching-oriented colleges, community colleges, and junior colleges.

The Small Grants Program will fund projects of up to $24,000 each in direct costs plus indirect costs. Expected number of awards in FY'79: 25 grants for a total of $600,000; in FY'80 None.

5. *Gerontological Research Institute.* AoA expects to fund one project for a Gerontological Research Institute. This institute will carry out a research program which will cut across all the Strategy Areas. It is intended to be a resource for development of knowledge in aging. The Gerontological Research Institute will review the state of knowledge in these areas, promote utilization of proven knowledge, and carry out research to fill the gaps in existing knowledge.

Expected number of awards: in FY'79: one grant of approximately $250,000; in FY'80: none.

Eligible Applicants

Any public or private nonprofit agency or organization may apply for a grant under this announcement.

Available Funds

The Administration on Aging expects to award $5.0 million (of the $8.5 million appropriated by Congress for Fiscal Year 1979) for new and competing continuation grants for this research and development program. It is also anticipated that $3.2 million will be available for new and competing continuation grants during the first half of Fiscal Year 1980.

A new grant is the initial grant made in support of a project for this program. A competing continuation grant is the grant awarded to continue a project beyond the project period for which the initial grant was made. It is awarded on the basis of successful competition against all other applicants for new and competing continuation grants.

The initial grant sustains the Federal share of the budget for the first budget period of the project. Support for any additional time remaining in the project depends on the availability of funds and the grantee's satisfactory performance of the project for which the grant was awarded.

In response to the Fiscal Year 1978 announcement, 225 applications for grants in the Research and Development Projects in Aging Program were accepted for review and evaluation. About $3.8 million was awarded to 37 grantees.

Grantee Share of the Project

Grantees must provide at least five (5) percent of the total cost of a Research and Development Projects in Aging Program grant. The grantee share may be cash or in-kind and must be project related and allowable under the Department's applicable regulations under Subparts G and Q in 45 CFR Part 74 (see 43 FR 34076, August 2, 1978).

The Application Process

Availability of Forms and Guidelines

Additional information about this program including the priority researchable questions and the application forms are contained in a Guidelines document which may be obtained by contacting: Division of Research (Guidelines), Administration on Aging, OHDS, DHEW North Building, Room 4644, 330 Independence Avenue, SW., Washington, D.C. 20201, 202/245-0004.

Application Submission

A signed original and five copies of the completed application should be submitted to: Receiving Office/Division of Grants and Contracts Management, Office of Human Development Services/DHEW, 341-F.2 Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, Attention: AoA IV-B 13636-791.

Two additional copies of the application are to be submitted concurrently to the State Agency on Aging and one additional copy is to be

submitted to the appropriate Regional AoA Office. The Guidelines document contains the addresses of the State Agencies on Aging, the Regional AoA Offices, and a list of which states fall within each Federal Region.

A-95 Notification Process

The Research and Development Projects in Aging Program is exempt from the provision of OMB Circular A-95.

Application Consideration

The Commissioner on Aging will make the final decision on each grant application for this program. Applications which are complete and conform to the requirements of this program announcement will be considered. All conforming grant applications are subjected to a comprehensive review and evaluation by qualified reviewers who are not employees of the Administration on Aging. Conforming applications for projects addressing researchable questions or specified special projects compete against all applications within the same Strategy Area and researchable question (or special project). These applications are ranked by the reviewers within each researchable question or special project. They may also be ranked by Strategy Area. Applications addressing additional researchable questions not specified in the Guidelines will be ranked within each Strategy Area.

The Commissioner will take into account the recommendations of the outside reviewers, the comments of the State Agencies on Aging and the Regional AoA Offices, and the recommendations of AoA staff. Comments on the applications may also be requested from appropriate specialists and consultants inside and outside of government. The Commissioner will endeavor to balance awards amont the various Strategy Areas. The Commissioner will also take into account the AoA objective to increase pariticipation of minority groups in the AoA program and to build additional knowledge about minority older persons.

Unsuccessful applicants will be notified in writing. Successful applicants will be notified through the issuance of a Notice of Grant Awarded. This notice sets forth the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the total grantee participation for the budget period, the effective date of the award, and the budget period for which support is given.

Special Consideration for Funding

AoA particularly encourages and the Commissioner on Aging will give special consideration to applications submitted by eligible applicants for projects to be conducted by minority researchers within the framework of the priorities for research identified herein. This preference applies with reference to the following four minority groups: Black, Hispanic, Asian-American, and American Indian.

Criteria for Review and Evaluation of Applications

(1) *Reasonable Questions and Special Projects* (Other than Small Grants and Gerontological Research Institute). The following criteria will be used to evaluate the applications for grants addressing researchable questions and specificied special projects competing under this announcement except for the Small Grants Program and the Gerontological Research Institute. Two (2) different minimal scores of acceptability have been established for this type of grant application. First, with respect to Part A of Criterion I, "Program and Policy Relevance," applications must receive a score of at least 13 points out of a possible 20 points. Second, applications must receive an overall score of 60 points out of a possible 100 points. Only those applications which meet both minimal levels will be considered acceptable and ranked by score as a basis for funding decisions by the Commissioner on Aging.

Criterion I Program and Policy Relevance (30 points)

That the proposed project will make a significant contribution to building knowlede immediately relevant to the formulation or implementation fo policy, specifically:

(A) That the proposed project adequately responds to a researchable question as set forth in the AoA FY 1979 Research Program Guidelines. Any application which does not address one of these reasonable questions must demonstrate convicingly that the proposed research will be equally or more significant, as well as equally or more policy relevant as research responsive to the specified researchable questions within the Strategy Area(s) (20 points); and

(B) That the proposed addresses, to the extent feasible, significant problems and issues of the following target groups:

1. Minority older persons (5 points),

2. rural elderly and/or other underserved older persons (5 points).

Criterion II Technical Approach (Research Design or Other Scope of Work) (35 points)

That the proposed technical approach, if well executed is capable of achieving the objectives of the project; specifically:

(A) That the application clearly defines the problems to be studied, adequately reviews the relevant literature on this subject, and formulates an appropriate conceptual framework (10 points);

(B) That the application clearly specifies appropriate hypotheses and variables (5 points); and

(C) That the application clearly describes a suitable, scientifically sound plan for sampling, measurement, data collection, and analysis (20 points).

(Applications which do not involve hypothesis testing and data collection and/or analysis—will be evaluated as to whether the proposed technical approach, if well executed, is capable of achieving the objectives of the project (35 points).)

Criterion III Project Implementation Plan (15 points)

(A) That the application specifies a sound plan for task accomplishment over the proposed project period and staff loadings by task (10 points); and

(B) That the application contains a suitable plan for dissemination and utilization of its projected findings which conretely specifies who will disseminate what, to whom, for what purpose, and how the informaiton so disseminated is expected to be used (5 points).

Criterion IV Staffing and Management (15 points)

(A) That the proposed project staff are well qualified to carry out the project (5 points);

(B) That the assignment of responsibilities is appropriate to carrying out project tasks, including sufficient time of senior staff to assure adequate management of the project (5 points); and

(C) That the applicant organization has adequate facilities, resources, and experience to carry out the tasks of the proposed project (5 points).

Criterion V Budget Appropriateness and Reasonableness (5 points)

That the proposed budget is commensurate with the level of effort needed to accomplish the project objectives, and that the cost of the

project is reasonable in relation to the value of the anticipated results (5 points).

(2) *Small Grants Program.* The following criteria will be used to evaluate applications under the Small Grants Program. Applications must receive an overall score of 60 points out of the possible 100 points. Only those applications which meet this minimal score will be considered acceptable and ranked by score as a basis for funding decisions by the Commissioner on Aging.

Criterion I Program and Policy Relevance (25 points)

That the proposed project will make a significant contribution to knowledge relevant to programs and policies for the aging in one or more of the Strategy Areas identified in the 1979 AoA Research Program Guidelines.

Criterion II Definition of Problem/ Review of Literature (10 points)

That the proposed project clearly defines the problems to be studied and adequately reviews the relevant literature on the subject.

Criterion III Soundness of Methodology (35 points)

That the proposed methodology, including formulation of specific hypotheses, operational definition of variables, design of data collection and analysis procedures, is sound and appropriate for use in the project.

Criterion IV Feasibility (15 points)

That the proposed project is feasible and can be successfully completed on the basis of the plan of work submitted.

Criterion V Qualifications (10 points)

That the proposed principal investigator is well qualified by reason of academic training and experience to undertake the activities proposed in the application.

Criterion VI Budget (5 points)

That the proposed budget is reasonable in relation to the value of the anticipated results.

(3) *Gerontological Research Institute.* The following criteria will be used to evaluate the grant applications for the Gerontological Research Institute. Applications must receive an overall score of 75 points out of a possible 100 points. Only those applications which meet this score will be considered acceptable and ranked by score as a basis for funding decisions by the Commissioner on Aging.

Criterion I Program and Policy Relevance (15 points)

That the proposed institute will make a significant contribution to building and utilizing knowledge immediately relevant to the formulation or implementation of policy, specifically:

(A) That the proposed institute program adequately addresses policy and program issues in support of efforts to improve the life circumstances of older persons (5 points);

(B) That the proposed institute will address significant problems and issues of the following target groups:

1. Minority elderly (5 points),

2. Rural elderly and/or other underserved older persons (5 points).

Criterion II Technical Approach (40 points)

That the proposed technical and organizational approach, if well executed, is feasible and sufficiently flexible to achieve the long term objectives of the project; specifically:

(A) That the application clearly specifies an organizational structure which is sufficiently flexible to meet the requirements for the conduct, assessment and utilization of research on issues related to aging (25 points);

(B) That the application clearly describes a suitable technical approach for increasing the utilization of research findings and for the development of research agendas based upon the status of and need for research on issues related to aging (15 points).

Criterion III Project Implementation plan (15 points)

That the application specifies a sound plan for task accomplishment over the proposed project period and staff loadings by task.

Criterion IV Staffing and Management (25 Points)

(A) That the proposed principal investigator is well qualified to manage the institute (5 points);

(B) That the proposed staff are well qualified to carry out the functions of the institute (5 points);

(C) That the assignment of responsibilities is appropriate to carry out project tasks, including sufficient time of senior staff to assure adequate management of the project (10 points);

(D) That the applicant organization has adequate facilities, resources, and experience to carry out the tasks of the proposed project (5 points).

Criterion V Budget Appropriateness and Reasonableness (5 points)

That the proposed budget is commensurate with the level of effort needed to implement the institute program, and that the cost of the project is reasonable in relation to the value of the anticipated results.

Closing Dates for Receipt of Applications

The closing date for projects to be funded in Fiscal Year 1979 is July 27, 1979. The closing date for projects to be funded in Fiscal Year 1980 is November 1, 1979.

Applications may be mailed or hand delivered to the receiving office as described above under Application Submission. Hand delivered applications are accepted during normal working hours of 9:00 a.m. to 5:30 p.m.

An application will be considered to have arrived by the closing date if the application is at the OHDS Receiving Office on or before the closing date. An application will also be considered to have arrived by the closing date if it has been sent by registered mail and post marked on or before the closing date as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or by an original receipt from the U.S. Postal Service.

Late applications are not accepted and applicants are notified accordingly.

(Catalog of Federal Domestic Assistance Program Number 13.636, Programs for the Aging: Research and Development Projects)

Dated: May 16, 1979.

Robert Benedict,

Commissioner on Aging.

Approved: May 18, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

[FR Doc. 79-16176 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-92-M

[Program Announcement No. 13628-792]

Research Projects for Child Abuse and Neglect Program

AGENCY: Office of Human Development Services, DHEW.

SUBJECT: Announcement of Availability of Grant Funds for the Research Projects for the Child Abuse and Neglect Program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for research grants for Fiscal Years 1979 and/or 1980 under The Child Abuse Prevention and Treatment Act of

1974, as amended. Regulations governing this program are published in the Code of Federal Regulations in 45 CFR Part 1340.

DATES: Closing dates for receipt of applications are: For Collaborative Research on Community Action to Prevent Child Abuse and Neglect and Collaborative Research on Child Protection Agency Management of Parental Self-Referrals July 23, 1979. For Research on the Needs and Resources for Child Protection in Residential Institutions—October 15, 1979

Scope of This Announcement

This Program announcement is one of two for the Child Abuse and Neglect Research, Demonstration and Service-Improvement Grants Program in Fiscal Year 1979 and 1980. This grants program was identified under the Child Abuse and Neglect Research, Demonstration and Service Improvement priority statement published in the **Federal Register**, March 9, 1979.

Program Purpose

The purpose of the Research Projects for the Child Abuse and Neglect Program is to generate knowledge which will aid in efforts to prevent and treat child abuse and neglect.

Program Objectives

Applications are solicited for projects which reflect the following program objectives:

1. For Collaborative Research on Community Action to Prevent Child Abuse—

• To develop appropriate methodologies for assessing the implementation processes, costs and benefits of alternative approaches to the prevention of child abuse and neglect.

• To use the developed methodologies to assess the implementation processes, costs and benefits of the alternative prevention approaches of the Demonstration Community and Minority Group Action to Prevent Child Abuse and Neglect projects. (See Program Announcement 13628–793)

2. For Collaborative Research on Child Protection Agency Management of Parental Self-Referrals—

• To develop appropriate methodologies for assessing the implementation processes, costs and benefits of alternative approaches to the management of parental self-referrals by public child protection agencies.

• To use the developed methodologies to assess the implementation processes, costs and benefits of the alternative approaches of the Demonstration Child Protection Agency Management of Parental Self-Referrals projects. (See Program Announcement 13628–793)

3. For Research on the Needs and Resources for Child Protection in Residential Institutions—

• To generate additional knowledge about the nature, causes, effects and promising preventive, treatment and child protective approaches to the abuse and neglect of children in residential institutions.

• To generate knowledge about the scope and severity of child maltreatment in residential institutions.

• To identify and define appropriate alternative approaches for protecting children in residential institutions against abuse or neglect.

• To identify and develop definitions of institution-related protective service requirements.

• To identify and develop model approaches and recommended policies, protocols, procedures and materials that can be used by States in implementing ongoing systems to provide child protection in residential institutions.

Eligible Applicants

Any public or nonprofit private agency or organization (including institutions of higher learning) may apply for a grant under this announcement.

Available Funds

The Administration for Children, Youth and Families expects to award $200,000 in Fiscal Year 1979 and $225,000 in Fiscal Year 1980 [of the $18,928,000 appropriated by Congress in Fiscal Year 1979 and the $18,928,000 requested in the Budget for Fiscal Year 1980) for new grants for this research program. A new grant is the initial grant made in support of a project for this program.

It is expected that one grant will be awarded for the Collaborative Research on Community Action to Prevent Child Abuse and Neglect, one grant will be awarded for the Collaborative Research on Child Protection Agency Management of Parental Self-Referrals, and three grants will be awarded for Research on the Needs and Resources for Child Protection in Residential Institutions.

The grants for Collaborative Research on Community Action to Prevent Child Abuse and Neglect and Collaborative Research on Child Protection Agency Management of Parental Self-Referrals will be awarded for amounts not to exceed $100,000 each. Collaborative Research on Community Action to Prevent Child Abuse and Neglect will be supported for total project periods of three and one-quarter years. Collaborative Research on Child Protection Agency Management of Self-Referrals will be supported for total project periods of two and one-quarter years. The initial grant sustains the Federal share of the budget for the first 15 months of the project. Support for the additional time remaining in the project periods depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

The grants for Research on the Needs and Resources for Child Protection in Residential Institutions will be awarded for amounts between $50,000 and $100,000, with the average award expected to be $75,000. Projects will be supported for periods of one to three years. The initial grant sustains the Federal share of the budget for the first year of the project. Support for any additional time remaining in the project period depends on funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

Grantee Share of the Project

Grantees must provide at least five percent of the total cost of a Research Project for the Child Abuse and Neglect Program. The grantee share may be cash or in-kind. It must be project-related and allowable under the Department's applicable regulations under Subparts G and Q in 45 CFR Part 74 (See 43 CFR 34076, August 2, 1978).

The Application Process

Availability of Forms

Application for a grant under the research Projects for Child Abuse and Neglect Program must be submitted on standard forms provided for this purpose. Application kits which include the forms and Program Guidance materials which should be used in preparing the program narrative sections of the applications may be obtained by writing to: National Center on Child Abuse and Neglect, Attention: Grants Administrative Assistant, Children's Bureau/ACYF, P.O. Box 1182, Washington, D.C. 20013, Telephone (202) 755–0587.

Application Submission

One signed original and two copies of the grant application, including all attachments, must be submitted to the address provided below under "Closing Dates for Receipt of Applications."

Application Consideration

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each grant

application for this program. Application which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families.

The results of the review assist the Commissioner in considering competing applications. The Commissioner's consideration also takes into account comments of HEW Regional and Headquarters program office staff. Comments may also be requsted from appropriate specialists and consultants inside and outside the Federal government. To the extent possible, the Commissioner's final decisions reflect the mandate of the Child Abuse Prevention and Treatment Act of 1974, as amended, "to achieve equitable distribution of assistance * * * among the States, among geographic areas of the Nation, and among rural and urban areas." (Section 4(d))

After the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, unsuccessful applicants are notified in writing of this decision. Successful applicants are notified through the issuance of a Notice of Grant Award which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is contemplated.

Criteria for Review and Evaluation of Applications

Competing grant applications will be reviewed and evaluated against the following criteria:

1. The applicant organization is capable of carrying out the proposed project including provision of adequate resources and facilities (5 points)

2. The applicant's presentation of the project's objectives and the results or benefits expected demonstrate a clear understanding of the purpose of the research program (10 points)

3. The applicant's program narrative describes a work program which is comprehensive, clear, and feasible and has the potential for attaining the project's objectives (This criterion relates to the applicant's research design, scheduling of activities, plans for collaboration, agreements to provide regular reports, and utilization and dissemination plans) (50 points)

4. The applicant's proposed staff are capable of carrying out the proposed work plan (20 points)

5. The applicant's budget contains estimated costs to the Government which are reasonable considering the anticipated benefits (15 points)

Closing Dates for Receipt of Applications

The closing dates for receipt of applications under this Program Announcement are:

For the Collaborative Research on Community Action to Prevent Child Abuse and Neglect and the Collaborative Research on Child Protection Agency Management of Parental Self-Referrals—July 23, 1979.

For Research on the Needs and Resources for Child Protection in Residential Institutions—October 15, 1979.

Applications may be mailed or hand delivered. Hand delivered applications will be accepted during regular working hours of 9:00 a.m. to 5:30 p.m. Hand-delivered applications must be taken to Room 341F-4, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C.

Mailed applications will be considered to be received on time if the application is sent by registered or certified mail not later than the closing date, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service; or the application is received on or before the closing date by the DHEW mail room in Washington, D.C. Mailed applications must be addressed to Department of Health, Education, and Welfare, Office of Human Development Services/ Humphrey Building, Grants Management Branch, Room 341F-1, 200 Independence Avenue, S.W., Washington, D.C. 20201, 13628-792.

Applications may be submitted at any time previous to the closing dates, and applications received after the closing dates will be returned to the senders without being reviewed.

(Catalog of Federal Domestic Assistance Program Number: 13.628, Child Development—Child Abuse and Neglect Prevention and Treatment)

Dated: May 17, 1979.

Blandina C. Rameriz,

Commissioner for Children, Youth and Families.

Approved: May 18, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

[FR Doc. 79-16071 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-92-M

Public Health Service

Adolescent Pregnancy Prevention and Services; Announcement of Competitive Grant Applications

The Office of Adolescent Pregnancy Programs announces that competitive applications for Adolescent Pregnancy Prevention and Services project grants will be accepted until July 9, 1979. This program was established by Title VI of Pub. L. 95-626 (42 U.S.C. 300a-21(a)).

Title VI authorizes project grants to public and nonprofit entities for support of projects that will provide comprehensive community services to assist in preventing unwanted pregnancies among adolescents and to assist pregnant adolescents and adolescent parents to obtain needed health, social, education, and other services.

Proposed regulations applicable to this program are set forth at Part 59 of Title 42, Code of Federal Regulations "Grants for Adolescent Pregnancy Prevention and Services Projects," published on March 12, 1979. It is anticipated that final regulations will be promulgated before grants are awarded in fiscal year 1979.

Scope of This Program Announcement

This program announcement identifies the general program objectives and funding priorities.

Program Purposes

To provide health, social, and educational services to pregnant adolescents and adolescent parents, and to provide specified core services to nonpregnant adolescents, as set forth in the program regulations (42 CFR Part 59).

Eligible Applicants

Any public or nonprofit private entity is eligible to apply for a grant under this announcement. Individuals are not eligible applicants. Applications with evidence of active support of the various community resources necessary to provide a comprehensive approach are encouraged.

Available Funds

A request for funds is currently pending before Congress for $7 million for fiscal year 1979. In the event an appropriation is not enacted for fiscal year 1979, formal applications will be either retained and reviewed competitively for possible funding in fiscal year 1980 or returned to the applicant organization if funds are not appropriated in fiscal year 1980. A grant award may not exceed 70 percent of the

cost of a project for the first and second years. In each year succeeding the second year of the project, Federal support shall decrease by no less than 10 percent. Generally, grants will be approved for 5-year project periods but funded in annual increments (budget periods). Funding for all approved budget periods beyond the first year of the grant is contingent upon satisfactory performance and the availability of funds.

Program Objectives and Priorities for Funding

Regulations for the program mandate that priority will be given to applicants who:

1. Serve an area where there is a high incidence of adolescent pregnancy;
2. Serve an area where the incidence of low-income families is high and where the availability of pregnancy-related services is low;
3. Show evidence of having the ability to bring together a wide range of needed core and, as appropriate, supplemental services in comprehensive, single-site projects, or to establish a well-integrated network of such services (appropriate for the target population and geographic area to be served including the special needs of rural areas) for adolescents at risk of initial or repeat pregnancies;
4. Will utilize, to the maximum extent feasible, existing available programs and facilities such as neighborhood and primary health care centers, family planning clinics, children and youth centers, maternal and infant health centers, regional rural health facilities, school and other educational programs, mental health programs, nutrition programs, recreation programs, and other ongoing pregnancy prevention and pregnancy-related services;
5. Make use, to the maximum extent feasible, of other Federal, State, and local funds, programs, contributions, and other third-party reimbursements;
6. Can demonstrate a community commitment to the program by making available to the project non-Federal funds, personnel, and facilities; and
7. Have involved the community to be served, including public and private agencies, adolescents, and families, in the planning and implementation of the project.

The Application Process: A-95 Clearinghouse Notice

In compliance with the Department of Health, Education, and Welfare's implementation of Office of Management and Budget Circular A-95 Revised, applicants which request grant support must, prior to submission of an application, notify both the State and Areawide A-95 Clearinghouses of their intent to apply for Federal assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. The names and addresses of the pertinent clearinghouses may be obtained from the appropriate Regional office.

It is strongly recommended that the clearinghouse be notified at least sixty days before the submission deadline date for receipt of applications. The application should include the clearinghouse comments, or verification that no comments were made within the applicable period available to the clearinghouse for comment. Applications will not be formally review without clearinghouse comments.

Criteria for Review and Evaluation

Applications will be subject to a competitive review and evaluation in accordance with an objective review process against the criteria which are set forth in the program regulations (42 CFR Part 59). These regulations are included in the application kit. If, as a result of the review, a decision is made to disapprove a grant application, or if funds are not available to support all approved competing grant applications, the affected applicants will be notified.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this program announcement is July 9, 1979. Applications may be mailed or hand delivered. Hand delivered applications are accepted during the usual working hours of 9:00 a.m. and 5:30 p.m.

An application will be considered to have arrived by the closing date if: (1) The application is in the Office of Adolescent Pregnancy Programs (see address below) on or before the announced closing date, or (2) the application is postmarked at least two (2) days prior to the announced closing date. Applications which are late, incomplete or otherwise do not conform to this announcement will not be accepted for review and applicants will be notified accordingly.

Availability of Application Forms

Application kits, including all necessary forms, instructions, and information may be obtained from, and completed applications should be returned to: Office of Adolescent Pregnancy Programs, Office of the Assistant Secretary for Health, HEW, Room 725H, 200 Independence Avenue, SW., Washington, D.C. 20201 (202-472-9093).

For additional information, write or telephone Dr. Lulu Mae Nix at the address and telephone number shown above.

Dated: May 14, 1979.

Charlie Miller,

Acting Assistant Secretary for Health.

[FR Doc. 79-16069 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-85-M

Public Health Service, Health Resources Administration

Health Professions and Nursing Student Loans; "Low-Income Levels" for Loan Repayment, Start-Up Grants, Health Careers Opportunity Grants, Nursing Capitation Grants and Nursing Special Project Grants

This Notice updates the income levels that are used to define a "low income family" for purposes of repayment of educational loans and for the support of training for individuals from disadvantaged backgrounds as provided for under sections 787 and 798, Health Careers Opportunity Grants, section 788(a) Start-Up Assistance Grants, section 810 Nursing Capitation Grants and section 820 Nursing Special Project Grants of the Public Health Service Act.

Under sections 741(1) and 836(j) and the applicable program regulations, the Secretary of Health, Education, and Welfare may repay all or part of an individual's educational loan made after November 17, 1971, to meet the costs of attending a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or nursing if the Secretary determines that the individual:

(1) Failed after November 17, 1971, to complete the health professions studies leading to the individual's first professional degree or to complete the specified nursing studies for which the loan(s) was made;

(2) Is in exceptionally needy circumstances;

(3) Is from a low-income or disadvantaged family; and

(4) Has not resumed or cannot reasonably be expected to resume the course of study within two years following the date the individual ended the studies.

Sections 57.214(c) and 57.317(c) of the applicable program regulations (42 CFR Part 57, Subparts C and D) require the Secretary to publish annually in the **Federal Register** the low-income levels which will be used in determining an

applicant's eligibility for this repayment program. Aside from their use in determining whether an individual comes from a "low-income family," these income levels, together with other relevant factors such as value of assets, unusual expenses, income available to the individual, etc., are also considered in determining whether an individual is "in exceptionally needy circumstances" or is from a "disadvantaged family."

The income figures below were taken from low-income levels, published by the U.S. Bureau of Census, using an index adopted by a Federal Interagency Committee for use in a variety of Federal Programs, then multiplied by a factor of 1.3 for adaptation to the Health Professions and Nursing Student Loan Programs and other designated grant programs for which training for individuals from disadvantaged backgrounds is supported. The income figures have been updated to reflect increases in the Consumer Price Index through December 31, 1978.

Size of parents' family (includes only dependents listed on Federal income tax forms)	Income Level* (adjusted gross income for calendar year 1978)
1	$4,400
2	5,700
3	6,800
4	8,700
5	10,200
6 or more	11,500

* Rounded to $100

Dated: May 18, 1979.

Hery A. Foley, Ph.D.

Administrator, Health Resources Administration.

[FR Doc. 79-16088 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-83-M

Health Resources Administration

Agenda Planning Subcommittee of the National Council on Health Planning and Development

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1979:

Agenda Planning Subcommittee of the National Council on Health Planning and Development

Date and Time: June 7, 1979, 10:30 a.m.—12:30 p.m.

Place: Conference Rooms 703A-705A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, open for entire meeting.

Purpose: The objectives of the Agenda Planning Subcommittee are to (1) assist the Chairperson in planning the order and timing of agenda topics for full Council consideration and action to assure that the Secretary will receive advice and/or recommendations on each of its three areas of functional responsibilities under section 1503(a) in an appropriate time and manner; (2) coordinate information about and among subcommittee activities and plans; and (3) provide preliminary review of proposed changes in Council operations.

Agenda: The Subcommittee will plan the agenda for the July 13 meeting of the National Council on Health Planning and Development, including the time needed for Council to hear brief formal comments from the public on health planning matters of concern.

Any individuals or organizations wishing to make a presentation to the Council should submit a request in writing to Mrs. Sally Berger, Chairperson, National Council on Health Planning and Development, 180 N. LaSalle Street, Suite 1521, Chicago, Illinois 60601, by June 4, 1979.

Anyone requiring information regarding the subject Subcommittee should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland, 20782. Telephone (301) 436-7175.

Agenda items are subject to change as priorities dictate.

Dated: May 17, 1979.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 79-16020 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-83-M

Health Services Administration

Grants for Clinical Facilities for Coal Miners' Respiratory Impairments; Announcement of Availability of Grants

AGENCY: Health Services Administration, PHS, HEW

ACTION: Announcement of Availability of Grants.

SUMMARY: The Health Services Administration announces that applications are now being accepted for grants to support clinics for the examination and treatment of coal miners' breathing and lung impairments. The program is authorized by the Federal Mine Safety and Health Act of 1977.

DATES: Grant applications must be received at the appropriate Regional Office listed in this notice by July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Director, Division of Health Services Delivery in the appropriate Regional Office at the number listed in this notice.

SUPPLEMENTARY INFORMATION: Under section 427(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 937(a)), the Secretary is authorized to make grants to and enter into contracts with public and private entities to support clinical facilities for the analysis, examination and treatment of breathing and lung impairments in active and inactive coal miners. Approximately $7 million is available for funding these clinics.

This grant program was funded in 1974 under Section 427(a) of the Coal Mine Health and Safety Act of 1969 (now Section 427(a) of the Federal Mine Safety and Health Act of 1977). On July 2, 1974, the Department issued Part 55a of Title 42, Code of Federal Regulations, the regulations governing the award of these grants (39 FR 24363). The regulations provide, among other things, that grant awards may be made to any public or nonprofit agency which either (1) has received a grant from the Appalachian Regional Commission to carry out a miners' respiratory clinic program or (2) has been designated by the Governor is States with at least 3 percent of the Nation's population of active and inactive coal miners. The Department anticipates issuance soon of an amendment to the regulations to eliminate the 3 percent restriction.

The coal miners' respiratory treatment program was funded for fiscal year 1979 to assist in implementing the Black Lung Benefits Reform Act of 1977 (Pub. L. 95-239) which added a new section 435 to the Federal Mine Safety and Health Act of 1977. Section 435 requires that all claims for black lung benefits that have been denied be reviewed if review is requested by the claimant. The funds to provide grants for black lung clinics were authorized so that medical testing facilities would not be overloaded for fiscal year 1979 and subsequent years by medical examinations associated with the reconsideration of claims and so that there would be an available source of services for disabled miners. The Regional Offices will accept and consider grant applications filed by July 1, 1979, from applicants designated by the Governors in States in which there is evidence of (1) a significant number of active miners, (2) a significant number of black lung disability claims or beneficiaries, or (3) current State support of black lung clinics. Applications must also be submitted to

Health Systems Agencies and to agencies established pursuant to OMB Circular a-95 for their review.

Although applications submitted by these applicants will be considered, no grant will be awarded to any agency in a State with less than 3 percent of active and inactive miners until the regulations are amended.

Information concerning the development of an application may be obtained from the Director, Division of Health Services Delivery at the appropriate Regional Office (listed below).

Dated: May 1, 1979.

John H. Kelso,

Acting Administrator, Health Services Administration.

Directors, Divisions of Health Services Delivery, DHEW/PHS Regional Offices

Director, Division of Health Services Delivery, DHEW Region I, John F. Kennedy Federal Building, Boston, Mass. 02203, 617-223-6898.

Director, Division of Health Services Delivery, DHEW Region II, 26 Federal Plaza, Room 3300, New York, New York 10007, 212-264-4622.

Director, Division of Health Services Delivery, DHEW Region III, P.O. Box 13716, Philadelhia, Pa. 19101, 215-596-6122.

Director, Division of Health Services Delivery, DHEW Region IV, 101 Marietta Towers, Suite 1202, Atlanta, Georgia 30323, 404-221-2571

Director, Division of Health Services Delivery, DHEW Region V, 300 South Wacker Drive, Chicago, Illinois 60606, 312-353-1720.

Director, Division of Health Services Delivery, DHEW Region VI, 1200 Main Tower Building, Dallas, Texas 75202, 214-767-3001.

Acting Director, Division of Health Services Delivery, DHEW Region VII, 601 East 12th Street, Kansas City, Mo. 64106, 816-374-3291.

Director, Division of Health Services Delivery, DHEW Region VIII, 1961 Stout Street, Denver, Colorado 80294, 303-837-2448.

Director, Division of Health Services Delivery, DHEW Region IX, 50 United Nations Plaza, Room 351, San Francisco, California 94102, 415-556-3610.

Director, Division of Health Services Delivery, DHEW Region X, 1321 Second Avenue, Seattle, Washington 98101, 206-442-0432.

April 1979.

[FR Doc. 79-16082 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-84-M

Social Security Administration

Mental Health Projects for Indochinese Refugees; Availability of Funding

AGENCY: Office of Family Assistance, Social Security Administration, HEW.

ACTION: Notice of Availability of Funding; Correction.

SUMMARY: In FR Doc. 79-14712 appearing on page 27751 in the Federal Register of May 11, 1979, the deadline shown for applying for mental health project grants is being changed from June 25, 1979 to July 5, 1979.

FOR FURTHER INFORMATION CONTACT: Gerard R. Wynn, 202-472-2417.

DATE: Applications must be received by the Regional Commissioner, Social Security Administration, by 5:00 p.m. (local time) on July 5, 1979. No grant application will be accepted after that date.

(Catalog of Federal Domestic Assistance No. 13.814—Refuge Assistance—Indochinese Refugees, previously Catalog No. 13.769—Special Assistance to Refugees from Cambodia, Vietnam and Laos in the United States.)

Dated: May 18, 1979.

Stanford G. Ross,

Commissioner of Social Security.

[FR Doc. 79-16256 Filed 5-22-79; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M43529]

Montana; Application

May 14, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Juniper Petroleum Corporation filed an application for a right-of-way to construct two wellsite locations, a production battery site, and a 60-foot wide road-pipeline-power corridor for the purpose of production and transportation of oil and gas across the following described public lands:

Principal Meridian, Montana, Musselshell County

T. 8 N., R. 24 E.,
Sec. 1, Lots 3, 5, and 6.

The 4-inch pipeline will transport oil and gas from Well No. 12X-1, located in Lot 5 and Well No. 21X-1, located in Lot 6, within the road-pipeline-power corridor to Continental Pipeline Company's existing 6-inch oil and gas pipeline. The well production will require the construction of two wellsite locations, a production battery site, a buried powerline to supply electricity to the three sites, and a roadway for access to the facilities from an existing gravel road nearby.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P. O. Drawer 1160, Lewiston, Montana 59457.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-16083 Filed 5-22-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 36746 and 36747]

New Mexico; Applications

May 15, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 31 N., R. 9 W.,
Sec. 31, lots 15 and 18,
T. 30 N., R. 10 W.,
Sec. 3, lot 9.

These pipelines will convey natural gas across 0.482 of a mile of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-16084 Filed 5-22-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 36741]

New Mexico; Application

May 14, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat.

576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 34 E.,
Sec. 18, NW¼NE¼.

These pipelines will convey natural gas across 0.161 of a mile of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-16085 Filed 5-22-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 36753 and 36757]

New Mexico; Applications

May 14, 1979.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 27 N., R. 8 W.,
Sec. 9, SE¼NW¼.
T. 30 N., R. 11 W.,
Sec. 10, SW¼SE¼.

These pipelines will convey natural gas across 0.215 of a mile of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-16086 Filed 5-22-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 36752]

New Mexico; Application

May 14, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 2-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 24 N., R. 6 W.,
Sec. 18, NE¼SE¼.

This pipeline will convey natural gas across 0.03 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P. O. Box 6770, Albuquerque, New Mexico 87107.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-16087 Filed 5-22-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 36735]

New Mexico; Application

May 14, 1979

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for one 4-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 21 S., R. 28 E.,
Sec. 31, SW¼NE¼.

This pipeline will convey natural gas across 0.159 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-16088 Filed 5-22-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With the San Benito County Water Conservation and Flood Control District; Intent To Initiate Negotiations for a Loan Repayment Contract

The Department of the Interior, through the Bureau of Reclamation, intends to negotiate a contract with the San Benito County Water Conservation and Flood Control District, Hollister, California, for the loan, and repayment, of approximately $20,000,000. The loan will be used for the construction of facilities to distribute water for agricultural and municipal and domestic use. The proposed contract will be drafted pursuant to the Distribution Systems Loan Act of July 4, 1955 (69 Stat. 244), as amended.

The district encompasses all of San Benito County which is located in west-central California. A supplemental water supply is to be furnished from the Bureau's San Felipe Unit of the Central Valley Project pursuant to a water service contract executed on April 15, 1978. The proposed loan repayment contract will allow the district to construct distribution facilities to serve approximately 19,000 acres of irrigable land.

The public is invited to submit written comments on the form of the proposed repayment contract not later than 30 days after the completed contract draft is declared to be available to the public. Execution of the proposed contract will be subsequent to, and dependent upon, the Commissioner of Reclamation's approval of the district's application for the loan and the Secretary of the Interior's approval of the proposed contract.

For further information about scheduled meetings and copies of the proposed contract form, please contact Mr. John Budd, Repayment Specialist, Repayment Branch, Division of Water

and Power Resources Management, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone No. (916) 484-4380. All meetings scheduled by the Bureau of Reclamation with the district for the purpose of discussing terms and conditions of a proposed contract shall be open to the general public as observers. Advance notice of such meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified above, at least one week prior to any meeting. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: May 9, 1979.

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79-15125 Filed 5-22-79; 8:45 am]

BILLING CODE 4310-09-M

Geological Survey

Maximum Attainable Rate of Production (MAR); an Interim Notice to Lessees for Implementing Section 606(d)(1) of the Outer Continental Shelf (OCS) Lands Act Amendments of 1978

AGENCY: Geological Survey, U.S. Department of the Interior.

ACTION: Interim Notice.

SUMMARY: Section 606(d)(1), OCS Lands Act Amendments of 1978, provides that the continuing investigation of petroleum production under section 606(c) shall include a determination of the MAR of crude oil and natural gas from significant OCS fields, and an analysis as to whether or not the actual production is less than the MAR with appropriate reasons.

Section 606(e), in part, indicates that the initial MAR determinations shall be completed and submitted to the Congress by January 1, 1980, and that subsequent determinations shall be submitted every 2 years thereafter.

To provide an MAR determination for each signifcant field to the Congress by January 1, 1980, the respective Oil and Gas Supervisors, Conservation Division, Geological Survey, must have considerable input from the industry by October 1, 1979. Allowing for preparation of such materials, the industry should be made aware of the requirements no later than early June 1979.

The Interim Notice to Lessees, printed below, provides for the MAR requirements upon the industry and for the reporting guidelines to the Oil and Gas Supervisors.

DATES: The Interim Notice becomes effective May 23, 1979. Interested persons may submit written comments for a period of July 23, 1979.

ADDRESSES: The address for commenting is as follows: Chief, Conservation Division, Geological Survey, National Center, MS 620, 12201 Sunrise Valley Drive, Reston, VA 22092

FOR FURTHER INFORMATION CONTACT: Price McDonald, Conservation Division, Reston, VA, telephone (703) 860-7517.

SUPPLEMENTARY INFORMATION: The principal authors are Rogers Pearcy, Conservation Division, Metairie, LA, telephone (504) 837-4720, and Price McDonald.

The Interim Notice to Lessees is not a significant regulatory action and does not require preparation of a regulatory analysis under Executive Order 12044.

Interim Notice to Lessees

General Provisions

Section 606(c) and (d)(1), title VI of the OCS Lands Act Amendments of 1978 provides that the Secretary shall conduct a continuing investigation as to the availability of oil and natural gas and that such an investigation shall include a determination of the MAR for each of the significant fields in the OCS and an analysis of the differences between the MAR's and actual production. Further, the data used in the MAR determinations shall be adequately and independently audited and verified.

Also, section 204(g)(1) and (2), title II, provides that the lessee shall produce oil or gas at rates as ordered by the President in accordance with any provision of law or as authorized by the Secretary of Energy through regulations which assure the maximum rate of production without loss of ultimate recovery for the period of an approved plan.

With reference to section 606(c) and (d)(1) the MAR shall be determined biennially for significant fields commencing with October 1, 1979. The Oil and Gas Supervisor will determine the MAR based on production information and estimates from the industry, and will make the MAR determinations available to the industry and the public no later than January 1, 1980, and biennially thereafter.

Definitions

As prescribed by section 606(g)(1), the term—

"maximum attainable rate of production" or "MAR" means the maximum rate of production of crude oil and natural gas which may be produced under actual operating conditions without loss of ultimate recovery of crude oil and natural gas; and * * *

Other definitions are as follows:

—Actual opearating conditions shall mean the prevailing conditions on the lease including lease production facility capacity, pipeline capacity, normal well downtime, and other production rate constraints or enhancements.

—A field shall mean a particualr area, named and described by the Oil and Gas Supervisor as being a producing field in the OCS. It shall include all leases or portions of leases within the particular area.

—A significant field shall mean any developed or developing field where production over the most recent 6-month period has averaged at least 5,000 barrels of oil per day or 100,000 MCF of gas per day, or which is capable of production in such amounts.

—"Adequately and independently audited and verified" shall mean that an act of industry is valid or has been validated and shall have reference generally to reserve estimates, production trends, production tests, pressure measurements, and field facility capacities.

The MAR Determination

For the determination of the field MAR, certain factors shall be commonly understood, as follows:

1. The MAR for a significant field shall be an estimated average daily rate of oil and gas production from oil and gas wells, respectively, which can be expected to be produced for a 2-year period of time.

2. The MAR for a field shall be a compilation of the MAR's for the individual leases within the field.

3. The MAR shall be based mainly on production and pressure trends, recent production and pressure tests, facility and/or pipeline limitations, average well downtime for the field, and any sensitivity of reservoirs to high rates of production.

Lessee and Operator Requirements

The operator of leases within an identified significant field shall supply the appropriate Oil and Gas Supervisor with the information prescribed below for each lease within the field. The information shall be submitted no later

than October 1, 1979, and every 2 years thereafter. The information submitted shall include at least the following:

1. Field name

2. For each lease, or group of leases produced and operated from common production facilities within the field:

a. Estimated maximum rate of oil and gas production, absent any limitations.

b. Pipeline capacity.

c. Capacity of current production facilities at stated operating pressures and conditions.

d. Number of producing oil-well and gas-well completions on the lease.

(e) Expected increase or decrease in number of producing completions over the next 2 years.

f. Any limitations on production rates due to reservoir or well problems or safety considerations. By example: reservoir sensitivity, sand problems, water coning, down hold equipment, etc.

g. Any other information pertinent to the determination of the MAR for the lease.

h. Estimated MAR.

i. Any field restrictions to higher lease production rates.

Functions of the Oil and Gas Supervisor

The Oil and Gas Supervisor will prepare and publish (as a letter to lessees) a listing of the significant fields and the respective leases involved. The listing will be forwarded during June 1979 and every 2 years thereafter.

The Oil and Gas Supervisor will determine the MAR biennially by significant field, commencing with October 1, 1979, and will forward to the lessees a schedule of the MAR determinations by January 1, 1980, and every 2 years therefter.

For the Congress, the Oil and Gas Supervisor will prepare a report comparing the MAR and the actual production. The report will include graphs by field and by region and reasons for any substantial variations in the MAR and actual production. It will be forwarded by December 1, 1979, and every 2 years thereafter.

Dated: May 17, 1979.

J.A. Balsley,

Acting Director.

[FR Doc. 79-16029 Filed 5-22-79; 8:45 am]

BILLING CODE 4310-31-M

INTERNATIONAL TRADE COMMISSION

[AA1921-Inq.-26]

Certain Steel Wire Nails From Korea; Commission Determines "A Reasonable Indication of Injury"

On the basis of information developed during the course of inquiry No. AA1921-Inq.-26, undertaken by the United States International Trade Commission under section 201(c) of the Antidumping Act, 1921, as amended, the Commission unanimously determines (Chairman Parker not participating) that there is a reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of certain steel wire nails from Korea,[1] entered under item numbers 646.25 and 646.26 of the Tariff Schedules of the United States, which according to the Department of Treasury possibly are being or are likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On April 17, 1979, the Commission received advice from the Treasury that, in accordance with section 201(c)(1) of the Antidumping Act, 1921, as amended, an antidumping investigation was being initiated with respect to certain steel wire nails from Korea and that, pursuant to section 201(c)(2) of the act, information developed during Treasury's preliminary investigation led to the conclusion that there is substantial doubt that an industry in the United States is being or is likely to be injured by reason of the importation of certain steel wire nails from Korea into the United States. Accordingly, the Commission on April 20, 1979, instituted inquiry No. AA1921-Inq.-26 under section 201(c)(2) of the act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Public notice of both the institution of the inquiry and of the hearing was duly given by posting copies of the notice at the Secretary's office in the Commission in Washington, D.C., and at the Commission's office in New York City, and by publishing the original notice in the **Federal Register** of April 26, 1979 (44 FR 24649). A public hearing was held on May 4, 1979, in Washington, D.C. and all persons requesting the opportunity to appear were permitted to appear by counsel or in person.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested persons and information adduced at the hearing and obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

Statement of Reasons for the Determination of Commissioners Bill Alberger, George M. Moore, Catherine Bedell, and Paula Stern

Statutory Criteria of Section 201(c)(2)

If the Secretary of the Treasury (Secretary) concludes during a preliminary investigation under the Antidumping Act, 1921, as amended, that there is substantial doubt regarding possible injury to an industry in the United States, he shall forward to the U.S. International Trade Commission (Commission) reasons for such doubt. Within 30 days of receipt of the Secretary's reasons, the Commission shall determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,[1] by reason of the importation of merchandise allegedly sold in the United States at less than fair value (LTFV). This inquiry concerns certain steel wire nails from Korea.

Determination

On the basis of information developed during this inquiry we determine that there is a reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of certain steel wire nails from Korea possibly sold at LTFV as indicated by the Department of the Treasury (Treasury).

The Imported Article and the Domestic Industry

The steel wire nails subject to this investigation are those of one-piece construction which are: (1) 1 Inch or more in length, and 0.065 inch or more in diameter, or (2) less than 1 inch in length and less than .065 inch in diameter. Also included are brads, spikes, staples, and tacks meeting these descriptive requirements.

About 50 U.S. firms make steel wire nails in plants located primarily in the north central and northeastern states. Five of these firms are located in the

[1] Steel wire nails produced by the following companies have been excluded from this investigation: Blobcar Ltd., Dae Bong Industries, Daeger Trading Co., Daewo Industrial, Dong-A-Nails Company, Jesse Industries, Kang Wan Industries, Lee Chun Steel Co., Ltd., Pacific Chemical Co., Sunkyong, Ltd., Tong Myung Industries.

[1] Prevention of establishment of an industry in this inquiry is not in question and will not be discussed further in these views.

Western States. There are two general types of firms involved—large integrated companies that make steel rod, draw it into wire, and then make nails from the wire, and smaller non-integrated firms (also called converters or fabricators) that make nails from purchased steel rod or wire.

Information Regarding Alleged Margins of LTFV Sales

Treasury's investigation of U.S. imports of these steel wire nails from Korea covered the seven month period from May 1 through November 23, 1978. The investigation involved 33 Korean companies which shipped steel wire nails to the United States. Treasury has determined that 22 of the Korean companies have shipped such nails below the applicable trigger prices.[2] According to data submitted by Treasury for the period of investigation, 45 percent of these nails from Korea were imported at prices below the applicable trigger prices at an average margin of underselling of $74 per metric ton. The percentage of the product sold below trigger prices increased during October 1–November 23, 1978 to 81 percent at an average margin of underselling of $66 per metric ton.

A Reasonable Indication of Injury

Market penetration by alleged LTFV imports—Imports from Korea have increased from 3 million pounds or less than 0.5 percent of imports in 1973, to more than 200 million pounds or 25 percent of imports in 1978. Such imports entering the U.S. in the Western States [3] in 1978 account for 120 million pounds or 55 percent of all imports into these States. In fact, Korea has obtained a larger market share in the Western States than the domestic producers located in those States.

U.S. production and utilization of facilities—Production of steel wire nails increased each year during 1975–78. Capacity utilization also increased each year. Several new firms started production during this period, and many existing firms expanded their operations. In the Western States, the same patterns appear to be present.

Shipments—We have data on shipments through 1977, but not into 1978 for the nation. The trend is upward for the Western States and the nation during 1975–78, but a downturn occurs in 1978 in the Western States. We have information that in 1979 one of the integrated producers in the West, U.S. Steel, with facilities in Pittsburg, California, has experienced a sharp downturn in orders from 1978 levels. In April, May and June of 1979, orders are alleged to be down 20, 40, and 65 percent respectively from those same months in 1978. The Commission also has further information suggesting lengthening lead times on orders in the Midwest and East.

Inventories—Basically, national inventories have been steady from 1975 through September 1978, considering the seasonal factor that winter is the slowest construction period. In the West, inventories dropped sharply from 1975 to the end of 1977, but increased sharply again in 1978.

U.S. consumption—From 1973 to 1975, consumption dropped, but it then climbed through 1977 and although exact data is not available, probably surpassed 1973 levels in 1978. Consumption in the West followed the same pattern through 1977, but then fell in 1978.

Employment—Both national and regional employment in the industry appear to be increasing since 1975. However, U.S. Steel reported that its Pittsburg, California plant will have to lay off one-third of its skilled labor force in May 1979 due to declining orders.

Profitability—We have very limited data on profits, either nationally or in the Western States. It appears that profits are declining, but better information must be gathered if this case comes back to us.

Prices—Since 1975, nail prices have generally risen, particularly during 1978. Preliminary data indicate that imports of nails from Korea are probably underselling U.S. produced nails.

Industrial expansion—The Commission has information that several firms plan to begin production of nails over the next two years. In fact, two firms in the West have such plans for 1979, but both have informed us that they are re-evaluating their plans due to low-priced imports from Korea. With consumption of nails apparently increasing nationwide it is understandable that additional production facilities would be built. In the West, however, with consumption appearing to decline, it is curious that so much expansion is planned.

Conclusions

In making determinations under Section 201(c)(2), the Commission need only consider whether a "reasonable indication" of injury, or likelihood thereof, is either present or totally absent. Our analysis, therefore, concerns factors which present this "reasonable indication" of injury, even if later examination of the full record shows that the weight of the evidence mitigates against a final injury determination. Looking at the above criteria, it is clear to us that Treasury should proceed with its investigation. There are indications of price depression, increased market penetration, declining shipments and profits, particularly in the Western States. It is conceivable that the Commission could find injury within a regional market consisting of several or all of the Western States where import penetration is highest and indications of injury are more prevalent. It appears that factors which have led the Commission in previous instances to find injury to a regional industry may be present, and we should not dismiss such possibility. [4] With our present information, we must conclude that a reasonable indication of injury by reason of possible LTFV imports from Korea is present.

Issued: May 17, 1979.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-16204 Filed 5-22-79; 8:45 am]

BILLING CODE 7020-02-M

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[2] Commissioners Alberger and Stern note that while Japanese steel costs have formed the basis of all trigger prices presently in effect on the assumption that the Japanese are the most efficient producers, it is curious that the Japanese have moved nail production facilities to the Korean Free Trade Zone in order to produce nails more efficiently.

[3] Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

[4] Sugar from Belgium, France, and West Germany, Inv. AA1921-198, 199, 200 (May 1979).

[AA1921-Inq.-25]

Steel Wire Coat and Garment Hangers From Canada; Commission Determination of "No Reasonable Indication of Injury"

On the basis of information developed during the course of inquire No. AA1921-Inq.-25, undertaken by the United States International Trade Commission under section 201(c) of the Antidumping Act, 1921, as amended, the Commission unanimously determines that there is no reasonable indication that an industry in the United States is being or is likely to be injured or is prevented from being established by reason of the importation of steel wire coat and garment hangers from Canada, allegedly sold at less than fair value as indicated by the Department of the Treasury.

On April 17, 1979, the Commission received advice from the Department of the Treasury that, in accordance with section 201(c) of the Antidumping Act,

1921, as amended, an antidumping investigation was being initiated with respect to steel wire coat and garment hangers from Canada and that information developed during Treasury's preliminary investigation led to the conclusion that there is substantial doubt that an industry in the United States is being or is likely to be injury by reason of the importation of such merchandise into the United States. Accordingly, the Commission on April 20, 1979, instituted inquiry No. AA1921-Inq.-25 under section 201(c)(2) of the act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on May 2, 1979, in Washington, D.C. Public notice of both the institution of the inquiry and of the hearing was duly given by posting of the notice at the Secretary's office in the Commission in Washington, D.C., and at the Commission's office in New York City, and by publishing the original notice in the **Federal Register** of April 26, 1979 (44 FR 24640).

The Treasury Department instituted its investigation after receipt of a petition on March 21, 1979, filed by counsel for Laidlaw Corp., Mesa, Ariz. Treasury's notice of its antidumping proceeding was published in the **Federal Register** of April 20, 1979 (44 FR 23623).

Statement of Reasons of the Commission

If the Secretary of the Treasury concludes, during a preliminary investigation under the Antidumping Act, 1921, as amended, that there is substantial doubt regarding possible injury to an industry in the United States, he shall forward to the U.S. International Trade Commission (Commission) his reasons for such doubt. Within 30 days of receipt of the Secretary's reasons, the Commission shall determine whether the standards set forth in section 201(c)(2) of the Act for continuing the investigation have been met. Therefore, the Commission instituted, on April 20, 1979, inquiry AA1921-Inq.-25 regarding steel wire coat and garment hangers from Canada.

Determination

On the basis of the information developed during the course of this inquiry, we determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established,[1] by reason of the importation of steel wire coat and garment hangers into the United States from Canada which were allegedly sold at less than fair value (LTFV), as indicated by the Department of the Treasury.

The Imported and the Domestic Industry

The imported articles which are the subject of this inquiry are steel wire coat and garment hangers. They are used primarily in the drycleaning and uniform rental industries. Seven U.S. firms produce these hangers in 19 plants which are dispersed throughout the United States.

Information Concerning Alleged LTFV Sales

According to the complaint filed with the Department of the Treasury, the alleged dumping margins, based on comparisons between the home-market prices and prices for export to the United States, range from 2.3 to 4.9 percent. Treasury's Antidumping Proceeding Notice stated that "there is evidence that the volume of imports from Canada during 1978 amounted to only $17,000 and the imports accounted for only about 2.7 percent of petitioner's sales in the Northwest region of the United States, the market wherein injury was alleged.

No Reasonable Indication of Injury by Reason of LTFV Sales

The only claim of injury or likelihood of injury in this inquiry was that made by the petitioner, Laidlaw Corp., Mesa, Ariz. Laidlaw advised that it was being injured by reason of LTFV imports into the Pacific Northwest regional market, an area that it defined as the States of Washington and Oregon. According to information available to the Commission, however, Washington and Oregon are only part of a regional market made up of 10 Western States which are supplied by production facilities located primarily in California. Since March 1978, when Laidlaw closed its hanger manufacturing plant in Seattle, Wash., the firm has supplied Washington and Oregon, as well as the rest of the Western market, from its manufacturing facility in Stockton, Calif. Therefore, if there is a regional market for coat and garment hangers, it is composed of at least 10 Western States and is not limited to the two States alleged by the petitioner.

Imports of Canadian hangers into the Western market commenced in mid-1978 and were all from the Tree Island Steel Co., Ltd. The Canadian imports accounted for about 0.2 percent of apparent consumption in the Western market. Furthermore, it is apparent that this small market share was not obtained at the expense of the petitioner. The bulk of the imported hangers were sold to firms which advised the Commission that the petitioner refused to sell to them. Information submitted to the Commission by Laidlaw shows that production, capacity utilization, and shipments of Laidlaw's Stockton plant increased by about 20 percent in fiscal 1978 compared with the combined operations of the Seattle and Stockton plants in fiscal 1977. On an annualized basis, an additional large increase occurred in these same measures of economic activity during the first 6 months of fiscal 1979. Employment at the Stockton plant also increased during this period, and inventories were at a minimum level.

Laidlaw testified at the Commission's public hearing that the Canadian producer of LTFV imports had several important cost advantages over U.S. producers with respect to selling steel wire hangers in the Pacific Northwest market. The most important of these were the proximity of Tree Island's Richmond, British Colombia, production facility to this particular market and the fact that steel wire rods, the principal raw material used in the production of hangers, costs less in Canada than in the United States. The higher cost of wire rods in the United States was attributed to the implementation of the Trigger-price mechanism which, it was alleged, caused the price of imported steel rods to increase substantially in 1978 and in January-March 1979.

The petitioner further acknowledged that the Canadian producer could sell "well under our price without dumping." [1] Thus, even if the alleged LTFV sales ceased, the petitioner would still face the decision of either meeting the lower prices or losing sales. If the alleged dumping margins of 2.3 to 4.9 percent were eliminated, it was estimated that the Canadian firm would still undersell Laidlaw by 3.6 percent on one type of hanger, 9.4 percent on another, and 17.4 percent on a third type.

Conclusion

We have therefore determined that the Department of the Treasury investigation on steel wire coat and garment hangers from Canada allegedly sold at LTFV should be terminated on

[1] Prevention of establishment of an industry in this inquiry is not in question and will not be discussed further in these views.

[1] Transcript of the hearings, p. 29.

the basis that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of such imports.

Issued: May 17, 1979.

By order of the Commission.

Kenneth R. Mason,

Secretary.

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[AA1921-198, AA1921-199, and AA1921-200]

Sugar From Belgium, France, and West Germany; Determinations of Injury

On the basis of information developed during the course of investigations Nos. AA1921-198, AA1921-199, and AA1921-200, the Commission unanimously determines that an industry in the United States is being injured by reason of the importation of sugar from Belgium, France, and West Germany, provided for in items 155.20 and 155.30 of the Tariff Schedules of the United States, which the Department of the Treasury has determined is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On February 16, 1979, the United States International Trade Commission received advice from the Department of the Treasury that sugar from Belgium, France, and West Germany is being, or is likely to be, sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on March 1, 1979, the Commission instituted investigations Nos. AA1921-198 (sugar from Belgium), AA1921-199 (sugar from France), and AA1921-200 (sugar from West Germany) under section 201(a) of said act, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

In connection with the investigations, a public hearing was held in Miami, Florida, on April 10, 1979. Notice of the institution of the investigations and the public hearing was given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the notice in the **Federal Register** of March 8, 1979 (44 FR 12777). Notice of the time and place of the public hearing was made in the same manner and was published in the **Federal Register** of March 21, 1979 (44 FR 17235).

The Treasury Department instituted its investigation after receiving a complaint filed on July 10, 1978, by counsel for the Florida Sugar Marketing and Terminal Association, Inc. Treasury's notices of withholding of appraisement and its determinations of sales at LTFV were published in the **Federal Register** of February 12, 1979 (44 FR 8049).

In arriving at its determinations, the Commission gave due consideration to all written submissions from interested parties and information adduced at the hearing as well as information obtained by the Commission's staff from questionnaires, personal interviews and other sources.

Statement of Reasons of Chairman Joseph O. Parker, Vice Chairman Bill Alberger, and Commissioners George M. Moore and Catherine Bedell

By a letter dated February 6, 1979, the Department of the Treasury advised the Commission that sugar from France, Belgium, and West Germany is being, or is likely to be, sold at less than fair value (LTFV). For purposes of Treasury's investigation, the articles under consideration were defined as raw and refined sugar provided for in items 155.20 and 155.30 of the Tariff Schedules of the United States.

In this determination, we have found that the U.S. industry that is being injured by the sales of sugar at LTFV consists of the facilities for the production of sugar cane and raw cane sugar in the Southeastern region of the United States, that is, Florida sugar cane and raw cane sugar producers. This region also consists of the area served by Florida producers, namely the states of Florida and Georgia in which the major refining capacity is located.[1] [2] The Southeastern region received about 78 percent of the sugar imports from Belgium, France, and West Germany. Before the LTFV sales in the Southeastern regional market, the Florida sugar producers supplied nearly all the raw sugar used by the two refiners in this region, with sales to these refiners historically accounting for about 85 percent of the distribution of the sugar of the Florida producers.

Injury by Reason of LTFV Imports

The Department of the Treasury made price comparisons on raw sugar imported from Belgium, France, and West Germany during the 6-month period March 1, 1978–August 31, 1978, and determined that all such imports were being sold at LTFV. The LTFV margins on sales from Belgium ranged from 47 to 56 percent of the home-market price, with a weighted average margin of 51 percent. The margins on sales from France ranged from 38 to 57 percent of the home-market price, with a weighted average margin of 51 percent. The margin on sales from West Germany was 55 percent of the home-market price. All the sugar imported was raw sugar.

About 78 percent of these imports were entered at Savannah, Ga., to be further processed by Savannah Foods & Industries, Inc. at its refinery there. These imports represented about 9 percent of the sugar refined in the Southeastern region during 1978 and accounted for about one-third of total imports into the region in that year.

Excluding the raw sugar marketed under long-term contracts by two producers, there were about 500,000 tons of raw sugar produced in the Southeast during the 1977/78 crop year available for distribution during 1978. Of this amount, however, only 283,000 tons was marketed. The primary reason for the inability of Southeastern producers to market the remainder of this raw sugar was the presence of lower priced, imported sugar, about one-third of which was found by Treasury to have been sold at LTFV. Information available to the Commission indicates that these LTFV imports undersold Florida producers by an average of .42 cents per pound. Given the LTFV

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[1] In amending certain provisions of the Antidumping Act in 1974, Congress reviewed, among other things, the concept of regional markets. While Congress did not change the law with respect to this concept, the Committee on Finance of the Senate, in its report on the bill which became the Trade Act of 1974 and which amended the provisions of the Antidumping Act, summarized prior Commission practice in this regard and expressed agreement with it as follows:

A hybrid question relating to injury and industry arises when domestic producers of an article are located regionally and serve regional markets predominantly or exclusively and the less-than-fair-value imports are concentrated in a regional market with resultant injury to the regional domestic producers. A number of cases have involved this consideration, and where the evidence showed injury to the regional producers, the Commission has held the injury to a part of the domestic industry to be injury to the whole domestic industry. The Committee agrees with the segmentation principle in antidumping cases. (*Trade Reform Act of 1974: Report of the Committee on Finance* * * *, S. Rept. No. 93-1298 (93d Cong., 2d sess.), 1974, pp. 180-181.)

The report further stated (p. 181) that the concept is not one which readily lends itself to hard and fast rules:

However, the Committee believes that each case may be unique and does not wish to impose inflexible rules as to whether injury to regional producers always constitutes injury to an industry.

[2] Commissioner Alberger joins with Commissioner Stern in additional views on the question of regional injury. See p. 19 of the report.

margins of 7.94–8.61 cents per pound found by Treasury, it is clear that no sugar from Belgium, France, or West Germany could have been sold in the United States had it been priced at fair value.

Since April 1978, the Florida Sugar Marketing & Terminal Association has sold no sugar to Savannah Foods & Industries even though it has a standing offer to sell at the price required to match returns under the price-support loan program. Information made available to the Commission by Savannah shows that its purchases from Belgium, France, and West Germany were all at prices below this standing offer price. Unable to market their sugar, the Southeastern producers have been forced to put more than 40 percent of the 1977/78 crop into the loan program of the Commodity Credit Corporation resulting in increased inventories in the Southeast.

Florida cane mills had yearend inventories for 1977 of 233,531 short tons, raw value. Yearend inventories for 1978 were 436,652 short tons, raw value, not counting an additional 120,648 short tons which had already been forfeited under price-support loan to the Commodity Credit Corporation. Thus, inventories increased substantially during the period of LTFV sales, and the high levels are continuing. The U.S. Department of Agriculture reports that 564,139 short tons, raw value, was held as collateral under price-support loans by the Florida sugar industry on April 30, 1979.

Information submitted to the Commission indicates that the market value of Florida sugar production has been below the cost of production for raw sugar in Florida since the 1976/77 crop. Data submitted to the Commission by firms representing about 72 percent of Florida raw-sugar milling showed significantly lower net returns in the 1978 accounting year compared with those in the 1976 accounting year. All the improvement in net returns that occurred in 1978 compared with 1977 was because of contributions to net returns by price-support operations of the U.S. Department of Agriculture.

Conclusion

On the basis of the foregoing considerations, we have determined that an industry in the United States is being injured by reason of the importation of sugar from Belgium, France, and West Germany, which the Department of the Treasury has determined is being, or is likiely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of Reasons of Commissioner Paula Stern

Having considered all the information before me in this investigation, I have determined, pursuant to Section 201 of the Antidumping Act of 1921, as amended, that an industry in the United States is being injured by reason of the importation of raw sugar from Belgium, France, and West Germany into the United States at less than fair value.

The Domestic Industry

The products under review in this case are sugar cane and raw sugar. Refined sugar is produced from sugar cane which has been first milled into raw sugar. It can also be produced directly from sugar beets by a different process. The relevant industry is therefore composed of growers and millers of sugar cane and does not include either sugar refiners or domestic sugar beet growers.

As fully explained in my joint views with Commissioner Aberger, which appear at pages 19 to 21, I believe that in this case the Southeast constitutes a region for the purpose of determining whether injury to the region constitutes injury to an industry under the Antidumping Act. The Southeast region consists of sugar cane growers and millers located in Florida; the regional customers are refiners found in Savannah, Georgia, and Florida.

Imports

The imported article in this investigation is raw sugar from Belgium, France, and West Germany. The Treasury Department examined all sales from these nations made between March 1, 1978, and August 31, 1978, and found all were at less than fair value. The weighted average less-than-fair-value margins, as found by Treasury, for raw sugar from the three nations were respectively: 103 percent (Belgium), 102 percent (France), and 121 percent (West Germany), when compared to the purchase price of the imports. These imports were of beet sugar, however, since beet sugar shipped by sea requires further refining, it competes directly with domestic raw cane sugar for refinery customers.

Relevant Indicators for the Raw Sugar Industry

Section 201 of the Antidumping Act, as amended, does not set forth standards for determining whether an industry is being or is likely to be injured by reason of less than fair value imports. As a result, the Commission can and does exercise considerable discretion in making its determinations based upon the particular fact in each case. However, as I stated in an earlier opinion on steel wire nails (Investigation No. AA–1921–189), Section 201 of the Act requires the Commission to find that two conditions have been satisfied before an affirmative determination can be made. First, the Commission must determine that an industry is being or is likely to be injured. This determination is based upon an analysis of certain economic indicators—consumption, production, capacity changes and utilization, shipments, inventory levels, employment and profits. Second, the Commission must determine that the injury is "by reason of" the less-than-fair-value imports. This second determination is based upon an analysis of such factors as market penetration by less-than-fair-value imports, documented lost sales of domestic manufacturers to less-than-fair-value imports, and a price depression or suppression of the impacted products. As for likelihood of injury, foreign capacity to produce for export is also considered.

However, this case is the first antidumping matter to come before the Commission in which the commodity in question is under an agricultural price support program actively intervening in its market. As explained more fully below, the intervention of the price-support program has had an unusual but significant impact on several of the traditional indicators utilized by the Commission in evaluating injury.

It is also important to note that the indicators most often relied on in evaluating whether injury is due to the less-than-fair-value imports in question may also be used to demonstrate injury. In cases where the Commission has adequate profit data at its disposal, the effects of lost sales and price depression, for example, are already reflected in profits, one measure of an industry's health. But where there are problems with obtaining data related to the traditional indicators of injury, it is appropriate to evaluate the industry's health by taking into consideration market penetration, lost sales, and price depression.

Complicating the analysis in this case is the lack of guidance the Antidumping Act provides on the special problems that emerge when assessing the economic conditions prevailing in an agricultural industry. For example, what is the meaning of capacity for an industry in which yields and even acreage harvested are as much the result of nature's whims as human will? What is the significance of year-to-year employment statistics for a perennial

crop which must be planted at least two years before the first harvest becomes possible? How should the Commission judge the financial performance of an industry for which profit information is available only after long time lags; for which costs of production are based on stale data and may only be calculated by treating the costs of land in one of two widely-differing manners; and for which the data coverage is adequate for only one segment of an industy integrating two operations (growing and milling)?

These difficult questions are compounded by the intervention in the market of a price-support program. When an industry can sell to the government at a price-support level above the market price, massive inventories may be transferred to the goverment. How should the Commission view incomplete financial data when they are augmented by income from the price-support program? How should the Commission treat inventories converted into government stocks by means of the price-support program?

In view of the unique factors inherent in this case, I believe that a flexible approach is required in evaluating the condition of the industry's health. The traditional indices are still of major value in assessing the economic state of the domestic industry. But in many instances they must be qualified if the Commission is to avoid being misled.

In order to develop the flexible approach required by this case, it is essential first to understand the purposes and operation of the price-support program for raw sugar.

Title II of the Agricultural Adjustment Act of 1949, as amended by the Food and Agriculture Act of 1977, provides for the price-support loan program that began in November 1977. Price support levels were established for the 1977 and 1978 crops. Should the market price fall below these levels, sugar cane millers can receive loans at the price support level for unlimited quantities of their raw sugar from the Commodity Credit Corporation (CCC) at a low interest rate, with the sugar as collateral.

During the first year that their sugar is under loan, the millers pay the storage costs. To take sugar out of loan, the owner must repay the loan with interest plus often significant storage costs. After a year, they may default on as much of their sugar under loan as they wish by forfeiting the collateral to the CCC. After default, the loans are forgiven.

A major policy issue emerges as to how the Commission should treat the effects of the operation of the price-support program on the traditional indicators of the industry's economic condition. In general, the operation of this program tends to ameliorate the picture of the industry's health by raising the effective price at which the producers can dispose of their product, decreasing the inventories held by producers, and improving profits or lowering losses. Neither the Antidumping Act nor the Food and Agriculture Act of 1977 provides clear guidance as to whether the Commission should adjust for these influences.

On the one hand, it appears that the price-support program is not intended to be a continuous factor in the raw sugar market.*

Consequently, the Commission could analyze the condition of this industry, to whatever extent possible, independent of any mitigating effects caused by the operation of the program (*e.g.*, by comparing the free market price to costs of production, adding CCC stocks to inventories, and eliminating from profits that income supplied by the program).

On the other hand, the CCC is in fact making large expenditures and accumulating massive stocks of raw sugar. Under the circumstances, it may be appropriate to analyze the condition of the industry including the mitigating effects of the program's operation (*e.g.*, by comparing the price support level to costs of production, looking at inventories held only by producers, and including the program's contribution to profits).

Fortunately neither inclusion nor exclusion of the mitigating effects of the price-support program's operation alters the finding of injury in this case. In order to avoid possible future problems, it would be helpful for the Congress to give the Commission guidance in this matter.

Injury

Because I consider the Southeast a region, I shall focus on it in examining the relevant data. In the Southeast, there are three refineries. The two found in Florida are of minor importance; they are relatively small and are not subject to import penetration as a result of their inland location. The third refiner, Savannah Foods and Industries, Inc., is found in the Georgia port after which it is named and is subject to import penetration.

Production in Florida has responded to a number of stimuli. Following the expiration at the end of 1973 of production quotas under the Sugar Act of 1934, and the onset of record high prices for sugar in 1974/75, Florida sugar production expanded from 244 million acres harvested (1972/73) to 287 million acres (1975/76), a level which has remained rougly stable through the present. The vagaries of Mother Nature have produced a variation of yields between extremes of 8.5 and 10.1 million short tons of sugar cane in the period 1975–79. It is estimated that acreage harvested in Florida increased slightly in 1978/79 because of good weather conditions and an expansion of acreage by the U.S. Sugar Corporation. (This firm increased its acreage because in 1976/77 it reportedly failed to produce sufficient sugar to fulfill its long-term supply contracts with Savannah Foods and Industries, Inc.)

The Commission received no data on employment. However, for a perennial crop which takes two years to reach maturity, employment data would not have been helpful in determining injury because growers will not abandon their fields unless the outlook for the future worsens drastically.

Capacity utilization for the growers has no meaning. The principal limitation on the capacity to produce sugar crops is the availability of milling facilities. In Florida, these were expanding through the 1975/76 crop year. Since then, one small cane mill has closed. Current facilities can handle, however, up to 20 percent more crop than is currently being produced.

Unfortunately, the data on inventories in Florida made available by the industry are for calendar years, while data on total production which comes from the U.S. Department of Agriculture are for crop years ending October 31. These are not completely consistent; but given that the bulk of 1976/77 crop, for example, is marketed in 1978, it is informative to look at inventory/production ratios which these data allow to be calculated for the two most recent crops. At the close of 1977, following a 1976/77 crop which yielded 930,000 short tons of sugar, 233,531 tons were held by Florida millers as inventory. The ratio of inventories to production was 25 percent. One year later, following a 1977/78 crop of 894,000 short tons, 436,652 tons were held in inventory (most in price-support loan)

*The Conference Report on the Food and Agriculture Act of 1977, in discussing the prospective operation of the price-support program, states:

It is not expected, however, that any outlay of CCC funds will be required, or that there will be any acquisition of products of sugar cane or sugar beets. The Conferees expect that the Executive branch will utilize existing authority of law to implement immediately upon the bill becoming law an import fee, or duty, which—when added to the current import duty—will enable raw sugar to sell in the domestic market at not less than the effective support price.

and 120,648 tons had been forfeited. Adding forfeitures to inventories yields a ratio to production of 62 percent, more than double the high level of the previous year. The United States Department of Agriculture expects that as much as one million tons may be forfeited from all eligible crops during the coming year.

Discussion of the financial performance of Florida cane sugar growers is made difficult by a number of complicating factors. The Commission has available to it three estimates of Florida costs of production based on two different studies. The latest USDA review dates from the end of the last decade, while the University of Florida completed a study in 1975. Both have been ajdusted to the 1977/78 crop year by simply extrapolating from the earlier figures. For that crop year, with price support at 13.50 cents/pound, the three estimates were: 14.20 cents/pound (USDA, land at rental value), 15.79 (U. of Florida, land at rental value), and 16.54 (U. of Florida, land at market value). All indicate losses for growers on cane growing operations despite the salutory effects of having the CCC as a last resort purchaser when the regional price paid for raw sugar delivered to Savannah refineries had dropped to a weighted average of 13.76 cents/pound for the Belgian, French, and West German imports.*

The financial picture for Florida sugar cane millers, the other sector of the industry, is somewhat better, though hardly bright. The Commission received data on four millers which mill 72 percent of the Florida sugar cane crop. They show a consistent pattern of high returns in 1975/76, low returns or losses in 1976/77, and a recovery in 1977/78 based largely on the availability of the price-support program in that year. It is possible for the millers to earn profits on the storage of sugar under loan or forfeiture, but the outcome is uncertain since the millers must rent storage facilities for the sugar on one-year leases while the government may decide to move the sugar under its control at any time. In the absence of the price-support loan program, the millers' performance in 1977/78 probably would have been poorer than in the previous year.

Injury by Reason of Less-Than-Fair-Value Imports

The traditional indicators, because of the severe shortages of data explained above, suggest injury to the Southeastern raw sugar growers and millers. I have nevertheless concluded, based on my further analysis of market penetration, lost sales, and price depression, that the industry before the Commission is injured. Considering these same indices, I also conclude that an industry in the United States is being injured by reason of the importation of sugar from Belgium, France, and West Germany, which the Department of Treasury has determined is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Nationally, raw sugar imports from Belgium, France, and West Germany increased rapidly from one ton in 1975, to 16,000 tons in 1976, to nearly 49,000 tons in 1977. In 1978, these imports amounted to 85,000 tons. During 1978, more than 78 percent of these imports of raw sugar from Belgium, France, and West Germany were marketed in the Southeastern region. Over eight percent of the raw sugar refined in the region was imported from the three European nations found by the Treasury Department to be selling at less than fair value. Concurrently, the traditional 87 percent regional market share that Florida sugar had enjoyed dropped precipitously to 65 percent.

The significance of any particular level of market penetration depends on the price elasticity of the commodity. Because the quantity of sugar consumed is by its very nature not responsive to price changes, relatively small changes in supply can cause major price changes in the opposite direction.

Savannah, the major consumer of the less-than-fair-value sugar imports in question, has stated that its weighted average purchase price of the European Community sugar was 13.76 cents per pound. For Florida sellers not under long-term contract, prices received for shipments to Savannah from January to July 1978 (but contracted for before April 21, 1978) were 13.80 cents per pound, FOB Florida mills, which, after transportation costs were added, gave a price at Savannah of 14.18 cents per pound. Florida sugar producers needed a price of 13.88 cents per pound to match returns available by forfeiting sugar under price-support loans to the Commodity Credit Corporation.

The Florida Sugar Marketing & Terminal Association, Inc., a major milling cooperative, sold no sugar to the Savannah refinery after April 21, 1978, even though it had a standing offer to sell sugar at the price required to match returns under the price-support loan program. During 1978, the Florida sugar industry had 212,000 short tons, raw value of 1977/78 crop sugar under price-support loan. Imports at less than fair value from the three European Community nations in question purchased by Savannah were 66,000 short tons. Florida sugar producers convincingly maintained that these low-priced sugar imports from Belgium, France, and West Germany displaced sugar which they normally would have sold to the Savannah refinery.

Conclusion

Given the indications of injury to the Southeast raw sugar industry, I must conclude that the sugar cane and raw sugar industry in the United States is injured by reason of less-than-fair-value sales by Belgium, France, and West Germany.

Additional Views of Commissioners Alberger and Stern With Respect to Regional Injury

In the Commission's most recent decision under the Antidumping Act, *Carbon Steel Plate from Taiwan,*[1] we set forth what we consider to be the relevant factors for defining regional industries. We noted that, "the Commission has considerable discretion to analyze the commercial context of a particular case and apply a 'geographic segmentation principle' ". We also emphasized the importance of exercising that discretion in a consistent and logical manner.

In that case, we analyzed Commission precedent, legislative reports, and the purposes underlying the Antidumping Act itself. We concluded that three factors merit consideration before any geographic segmentation of the industry is made. These factors are: (1) whether the region under consideration is separate and identifiable, (2) whether LTFV imports are concentrated in that region, and (3) whether that region constitutes a significant part of the domestic industry. We have considered those factors in the context of the present case, and feel that the following points should be made about our finding as to the relevant industry.

The facts clearly demonstrate that the Southeastern raw sugar producing industry is separate and identifiable. Prior to 1978, nearly 85 percent of all raw cane production within the region was marketed to local refineries. The percentage of sales to local refineries dropped substantially in 1978, but this was due to low priced imports, including LTFV imports from the European

*The price for imports is CIF duty paid, Savannah. To properly compare it with the price support, which is FOB cane mills, one must add 0.38 cent per pound freight to the latter.

[1] Inv. AA1921-197, USITC Pub. 970 (May 1979). See, Additional Views of Commissioners Alberger and Stern, at p. 20.

Community. The displaced Florida raw sugar was then stored under the price-support program rather than marketed outside the region. As a general rule, growers within the Southeast serve the regional market predominantly or exclusively.[2] Moreover, the Southeastern refineries have not been served by domestic producers outside the region.[3] Thus, Florida cane sugar producers from an "isolated" industry, as that term has been used in prior Commission decisions.[4] Transportation costs apparently play an important role in this regional distribution, since sugar in its unrefined state is a bulky commodity, and has a relatively low value per ton. In addition, historical marketing conditions allowed Florida growers to sell locally until low world prices disrupted this practice. While some efforts have recently been made to sell outside the region,[5] it is probably not economically viable to sell large quantities to more distant buyers, particularly when surplus sugar exists throughout the country.

It is also clear that the LTFV sales found by Treasury were concentrated in the Southeastern United States. In fact, 78 percent of such imports entered through the port of Savannah and were sold to the refinery located there. It is true that all of the LTFV sales occurred within a span of two months, and hence it is difficult for us to guage the "focusing of marketing efforts" which we considered relevant in *Carbon Steel Plate from Taiwan*.[6] However, in this case we feel that severity is more relevant than brevity. Belgium, France and West Germany supplied more than 10 percent of the Savannah refineries' annual consumption. The brief duration of these imports is less relevant when one considers that sugar transactions occur on a seasonal basis. Accordingly, we are persuaded that concentration within the Southeastern region has occurred.

Finally, it is our view that the Southeastern raw sugar producing region represents a significant part of the national industry. For the 1977–78 crop year, Florida produced 879,000 short tons of raw sugar; more than 14 percent of the total U.S. production. In recent years, Florida has ranked second among all states in sugar production. Clearly, this region accounts for a significant share of U.S. production, and a determination based on injury to this region is not inequitable.

Issued: May 16, 1979.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-16202 Filed 5-22-79; 8:45 am]

BILLING CODE 7020-02-M

[2] The majority's statement noted the significance of this fact to their finding of a regional industry. See, supra at pp. 3–4. In fact, the majority opinion quotes the Senate Finance Report on the Trade Act, which makes the same point.

[3] This fact is not mentioned in the majority's statement, but we believe that, for the reasons we expressed in Carbon Steel Plate from Taiwan, it relates to the separate and identifiable nature of the region. See, Carbon Steel Bars and Shapes from Canada, Inv. AA1921-39, TC Pub. 135 (Sept. 1974).

[4] See, e.g., Steel Reinforcing Bars from Canada, Inv. AA1921-33, TC Pub. 122 (March 1964), Views of Commissioners Dorfman and Talbot, at p. 12.

[5] Mr. George Wedgworth, President of the Sugar Cane Cooperative of Florida testified that a new operation involving shipments by barge to Northeastern refineries has begun. See Transcript of Commission Hearing at pp. 78–79.

[6] USITC Pub. 970, Additional Views at p. 22.

[AA 1921-203]

Carbon Steel Plate From Poland; Investigation and Hearing

Correction

In the issue of Thursday, May 3, 1979, on page 25949, the document appearing as FR Doc. 79–13839 was inadvertently published and is hereby withdrawn in its entirety.

For the convenience of the reader, the corrected FR Doc. 79–13839 is set forth below.

Stainless Steel and Alloy Tool Steel; Report to the President

U.S. International Trade Commission, April 24, 1979.

To the President: In accordance with sections 203(i)(2) and (i)(3) of the Trade Act of 1974 (88 Stat. 1978), the United States International Trade Commission [1] herein reports the results of an investigation (investigation No. TA–203–5) conducted under those sections with respect to certain stainless steel and alloy tool steel.

Vice Chairman Alberger and Commissioner Stern advise that the termination of the quantitative restrictions imposed by Proclamation 4445, as modified by Proclamations 4477, 4509, and 4559, on imports of stainless steel and alloy tool steel provided for in items 923.20 through 923.26, inclusive, of the Appendix to the Tariff Schedules of the United States (TSUS), whether considered individually by each TSUS item collectively with respect to all such items, would have little if any adverse impact on the domestic industry producing such articles. Accordingly, Vice Chairman Alberger and Commissioner Stern are of the view that there is no need to extend import relief.

Commissioners Moore and Bedell advise that the termination of the quantitative restrictions imposed by Proclamation 4445, as modified by Proclamations 4477, 4509, and 4559, on imports of stainless steel and alloy tool steel provided for in items 923.20 through 923.26, inclusive, of the TSUS, whether considered individually by each TSUS item or collectively with respect to all such items, would have a serious adverse economic effect on the domestic industry producing such articles. Commissioners Moore and Bedell are of the view that the import relief with respect to such articles should be extended in order that the domestic industry might more fully adjust to import competition.

The investigation to which this report relates was undertaken for the purpose of advising the President as to the probable economic effect on the domestic industry concerned of the termination of import relief provided for in items 923.20 through 923.26, inclusive, of the Appendix to the TSUS. Import relief presently in effect with respect to such articles is scheduled to terminate at the close of June 13, 1979, unless extended by the President. The relief is provided for in Presidential Proclamation 4445 of June 11, 1976 (41 FR 24101), as modified by Proclamation 4477 of November 16, 1976 (41 FR 50960), Proclamation 4509 of June 15, 1977 (42 FR 30829), and Proclamation 4559 of April 5, 1978 (43 FR 14433).

The investigation was instituted on December 11, 1978, following receipt on November 30, 1978, of a petition filed by the Tool and Stainless Steel Industry Committee and the United Steelworkers of America, AFL–CIO. Public notice of the investigation and hearing was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and in the Commission's New York Office, and by publishing the notice in the **Federal Register** of December 22, 1978 (43 FR 59914). The public hearing in connection with this investigation was held on March 6–7, 1979, in the Commission's hearing room in Washington, D.C.

The information contained in this report was obtained from field work, from questionnaires sent to domestic manufacturers and importers, from the Commission's files, from other Government agencies, from information received at the public hearing, and from briefs filed by interested parties.

Issued: April 30, 1979.

[1] Chairman Parker did not participate.

By order of the Commission.

Kenneth R. Mason,

Secretary.

BILLING CODE 1505-01-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the Dallas Hilton Hotel, Dallas, Texas, on Wednesday, June 20, 1979 beginning at 9:00 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, Sections 1242(a)(1)(B) and (C) and to discuss possible topics for inclusion on the syllabus for the Joint Board's examinations.

A determination as required by Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that the portion of the meeting dealing with discussion of questions which may appear on the Joint Board's examinations will fall within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, Section 552b(c)(9)(B), and that the public interest requires that such portion be closed to public participation.

The portion of the meeting dealing with the Joint Board examination syllabus will commence at 9:00 a.m. and will last approximately one hour. This portion of the meeting will be open to the public as space is available. Time permitting, after discussion of the syllabus by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should advise the Committee Management Officer in writing prior to the meeting to aid in scheduling the time available and should submit the written text, or at a minimum, an outline of comments they propose to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Committee by sending it to the Committee Management Officer. Statements should be mailed to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220.

Dated: May 18, 1979.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 79-16158 Filed 5-22-79; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action Affecting First Charter Land Corp. and Captain's Cove Development in Accomack County, Va.; Caption Corrected

AGENCY: Department of Justice.

ACTION: Notice of correction.

SUMMARY: This document corrects a notice which was published by the Land and Natural Resources Division of the Department of Justice in FR Doc. 79–14419 appearing at page 27271 in the **Federal Register** of May 9, 1979, as follows:

1. The caption reading "Proposed Consent Decree in Action to Enjoin Discharge of Air Pollutants by United States Steel Corporation (South Works)" should read "Proposed Consent Decree in Action Affecting First Charter Land Corporation and Captain's Cove Development in Accomack County, Virginia."

2. The comment period has been extended from June 8, 1979, to June 18, 1979.

FOR FURTHER INFORMATION CONTACT: James W. Moorman, Assistant Attorney General, Land and Natural Resources Division, Washington, D.C. 20530 (202–633–2701).

Dated: May 18, 1979.

James W. Moorman,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-16177 Filed 5-22-79; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co., Arkansas Nuclear One, Unit 1; Order Regarding Facility Operating License

I. The Arkansas Power & Light Company (the licensee or AP&L) is the holder of Facility Operating License No. DPR–51 which authorizes the operation of the nuclear power reactor known as the Arkansas Nuclear One, Unit 1 (the facility or ANO–1), at steady state power levels not in excess of 2568 megawatts thermal (rated power). The facility is a Babcock & Wilcox (B&W) designed pressurized water reactor (PWR) located at the licensee's site in Pope County, Arkansas.

II. In the course of its evaluation to date of the accident at the Three Mile Island Unit No. 2 facility, which utilizes a B&W designed PWR, the Nuclear Regulatory Commission staff has ascertained that B&W designed reactors appear to be unusually sensitive to certain off-normal transient conditions originating in the secondary system. The features of the B&W design that contribute to this sensitivity are: (1) Design of the steam generators to operate with relatively small liquid volumes in the secondary side; (2) the lack of direct initiation of reactor trip upon the occurrence of off-normal conditions in the feedwater system; (3) reliance on an integrated control system (ICS) to automatically regulate feedwater flow; (4) actuation before reactor trip of a pilot-operated relief valve on the primary system pressurizer (which, if the valve sticks open, can aggravate the event); and (5) a low steam generator elevation (relative to the reactor vessel) which provides a smaller driving head for natural circulation.

Because of these features, B&W designed reactors place more reliance on the reliability and performance characteristics of the auxiliary feedwater system, the integrated control system, and the emergency core cooling system (ECCS) performance to recover from frequent anticipated transients, such as loss of offsite power and loss of normal feedwater, than do other PWR designs. This, in turn, places a large burden on the plant operators in the event of off-normal system behavior during such anticipated transients.

As a result of a preliminary review of the Three Mile Island Unit No. 2 accident chronology, the NRC staff initially identified several human errors that occurred during the accident and contributed significantly to its severity. All holders of operating licenses were subsequently instructed to take a number of immediate actions to avoid repetition of these errors, in accordance with bulletins issued by the Commission's Office of Inspection and Enforcement (IE). In addition, the NRC staff began an immediate reevaluation of the design features of B&W reactors to determine whether additional safety corrections or improvements were necessary with respect to these reactors. This evaluation involved numerous meetings with B&W and certain of the affected licensees.

The evaluation identified design features as discussed above which indicated that B&W designed reactors are unusually sensitive to certain off-normal transient conditions originating in the secondary system. As a result, an additional bulletin was issued by IE which instructed holders of operating licenses for B&W designed reactors to take further actions, including immediate changes to decrease the reactor high pressure trip point and increase the pressurizer pilot-operated relief valve setting. Also, as a result of this evaluation, the NRC staff identified certain other safety concerns that warranted additional short-term design and procedural changes at operating facilities having B&W designed reactors. These were identified as items (a) through (e) on page 1–7 of the Office of Nuclear Reactor Regulation Status Report to the Commission of April 25, 1979.

After a series of discussions between the NRC staff and the licensee concerning possible design modifications and changes in operating procedures, the licensee agreed in a letter dated May 11, 1979, to perform promptly the following actions:

(a) Upgrade of the timeliness and reliability of the Emergency Feedwater (EFW) system by performing the items specified in Enclosure 1 of the licensee's May 11, 1979, letter. Changes in design will be submitted to the NRC staff for review.

(b) Develop and implement operating procedures for initiating and controlling EFW independent of Integrated Control System (ICS) control.

(c) Implement a hard-wired control-grade reactor trip that would be actuated on loss of main feedwater and/or on turbine trip.

(d) Complete analyses for potential small breaks and develop and implement operating instructions to define operator action.

(e) At least one Licensed Operator who has had Three Mile Island Unit No. 2 (TMI–2) training on the B&W simulator will be assigned to the control room (one each shift).

In its letter the licensee also stated that ANO–1 was currently shut down and would remain shut down until (a) through (e) above are completed.

In addition to these modifications to be implemented promptly, the licensee has also proposed to carry out certain additional long-term modifications to further enhance the capability and reliability of the reactor to respond to various transient events. These are:

(1) The items in Enclosure 2 of the licensee's letter of May 11, 1979, will be implemented during the next outage (following completion of the design change engineering) to cold shutdown conditions which is of sufficient length to accommodate the change, but no later than the next refueling outage. Further, the licensee will provide a schedule for implementing any other modifications identified as necessary as a result of the licensee's reviews shown on Enclosure 1 of the licensee's letter. The design changes will be submitted to the NRC staff for review.

(2) The failure modes and effects analysis (FMEA) of the ICS is underway with high priority by B&W and will be submitted as soon as practicable.

(3) The hard-wired trips addressed in Item (c) above will be upgraded to safety grade. This design change will be submitted to the NRC staff for review.

(4) The licensee will continue operator training and drilling of response procedures as a part of an ongoing program to assure the high state of readiness and safe operation at ANO–1.

The Commission has concluded that the prompt actions set forth as (a) through (e) above are necessary to provide added reliability to the reactor system to respond safely to feedwater transients and should be confirmed by a Commission order.

The Commission finds that operation of ANO–1 should not be resumed until the actions described in paragraphs (a) through (e) above have been satisfactorily completed.

For the foregoing reasons, the Commission has found that the public health, safety and interest require that this Order be effective immediately.

III. Copies of the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555, and are being placed in the Commission's local public document room at Arkansas Polytechnic College, Russellville, Arkansas:

(1) Office of Nuclear Reactor Regulation Status Report on Feedwater Transients in B&W Plants, April 25, 1979.

(2) Letter from William Cavanaugh III (AP&L) to Harold Denton (NRR) dated May 11, 1979.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50:

It is hereby ordered, That:

(1) The licensee shall take the following actions with respect to ANO–1:

(a) Upgrade of the timeliness and reliability of the EFW system by performing the items specified in Enclosure 1 of the licensee's letter of May 11, 1979. Provide changes in design for NRC review.

(b) Develop and implement operating procedures for initiating and controlling EFW independent of Integrated Control System control.

(c) Implement a hard-wired control-grade reactor trip that would be actuated on loss of main feedwater and/or on turbine trip.

(d) Complete analyses for potential small breaks and develop and implement operating instructions to define operator action.

(e) Assign at least one Licensed Operator who has had TMI–2 training on the B&W simulator to the control room (one each shift).

(2) The licensee shall maintain ANO–1 in a shutdown condition until items (a) through (e) in paragraph (1) above are satisfactorily completed. Satisfactory completion will require confirmation by the Director, Office of Nuclear Reactor Regulation, that the actions specified have been taken, the specified analyses are acceptable, and the specified implementing procedures are appropriate.

(3) The licensee shall as promptly as practicable also accomplish the long-term modifications set forth in Section II of this Order.

V. Within twenty (20) days of the date of this Order, the licensee or any person whose interest may be affected by this Order may request a hearing with respect to this Order. Any such request shall not stay the immediate effectiveness of this Order.

Dated at Washington, D.C., this 17th day of May 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-16021 Filed 5-22-79; 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, Pub. L. 92–463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel: Energy Task Force.

Date: Friday, June 8, 1979, 10:00 a.m.–5:00 p.m.

Place: New Executive Office Building, Room 2008, 726 Jackson Pl. NW., Washington, D.C.

Type of meeting: Open.
Contact person: Mr. Peter Hickey, Energy 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. Hickey's office.

Tentative Agenda

1. Review of waste resource recovery programs currently underway within Federal agencies. Presentations by officials of individual agencies having such programs;

2. Discussion of policies and actions that guide indiviudal programs. Relationship of programs to national goals in waste resource recovery;

3. Discussion of impact of Federal programs on public and private actions at the state and local levels;

4. Discussion of subsequent meeting to solicit public comment on programs and national goals.

William J. Montgomery,
Executive Officer, Office of Science and Technology Policy.
May 17, 1979.
[FR Doc. 79-16022 Filed 5-22-79; 8:45 am]
BILLING CODE 3170-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21050; 70-6312]

American Electric Power Co, Inc.; Proposal That Holding Company Act as Surety for Subsidiary in Connection With a Rate Proceeding

May 17, 1979.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP requests approval of a surety bond in the amount not to exceed $62,000,000 that will be posted with the Public Service Commission of West Virginia ("State Commission"), by AEP as surety for Appalachian Power Company ("Appalachian") as principal.

On April 27, 1979, Appalachian filed with State Commission for increased rates on electric service in West Virginia. Appalachian requested that such rates go into effect as of May 28, 1979, or in the event that the State Commission further suspends the rates, Appalachian requests such rates go into effect no later than July 1, 1979. In either case, in order for the rates to go into effect, Appalachian will be required to post a bond, which would assure the making of appropriate refunds to customers in the event the State Commission's final order should require refunds to be made. The State Commission has permitted AEP to act as surety for Appalachian in lieu of Appalachian's posting a commercial bond. It is expected that the amount of the bond for the new rates will not exceed $62,000,000 which is the estimated additional revenue that the new rates will provide.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,500. AEP will make no charge to Appalachian for acting as surety. The Public Service Commission of West Virginia has authorized the proposal. No other state commission, and no federal commission, other than this Commission, has jurisdiction over the proposal.

Notice is hereby given that any interested person may, not later than June 11, 1979, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other actions as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and others issued in this matter, including the date of the hearing (if ordered) and any postponements thereto.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.
[FR Doc. 79-16023 Filed 5-22-79; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 10702; 812-4441]

Edie Special Growth Fund, Inc., et al.; Filing an Application for an Order Exempting Proposed Reorganization for an Order Permitting Participation in Proposed Reorganization and Concurrent Transactions

May 16, 1979.

In the matter of Edie Special Growth Fund, Inc., Rowe Price New Horizons Fund, Inc., and, T. Rowe Price Associates, Inc., 100 East Pratt Street, Baltimore, Maryland 21202.

Notice is hereby given that Edie Special Growth Fund, Inc. ("Growth Fund") and Rowe Price New Horizons Fund, Inc.,) ("New Horizons") (hereinafter collectively referred to as "Funds"), both registered under the Investment Company Act of 1940 ("Act") as diversified, open-end management investment companies, and T. Rowe Price Associates, Inc. ("Price"), an investment adviser registered under the Investment Advisers act (Growth Fund, New Horizons and Price are hereinafter referred to collectively as "Applicants"), filed an application on February 26, 1979, and an amendment thereto on May 2, 1979, pursuant to Section 17(b) of the Act, for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed reorganization of Growth Fund with and into New Horizons and, pursuant to Sectin 17(d) of the Act and Rule 17d-1 thereunder, for an order of the Commission permitting the joint participation of Price in the proposed reorganization and concurrent transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Price acts as the investment adviser for New Horizons and since January 1, 1979, has served, without compensation, as the investment adviser to Growth Fund. New Horizons, a "no-load" investment company incorporated in Maryland, has as its investment objective long-term growth of capital through investment primarily in common stocks of small growth companies which the fund's management believes have the potential

to become major companies in the future. As of December 31, 1978, New Horizons had net assest of approximately $441,919,715. Growth Fund, a "no-load" investment company incorporated in Delaware, has as its investment objective long-term capital appreciation through investments primarily in small companies which appear to offer potentially high rewards, but which may represent greater risks of various kinds. Applicants state that the sale of shares of Growth Fund were suspended as of December 31, 1978. At that date the net assets of Growth Fund were approximately $33,090,000.

Applicants state that Edie Management Services, Inc. ("EMS"), a wholly-owned subsidiary of Lionel D. Edie & Company, Incorporated ("Edie"), was the investment adviser to Growth Fund from that Fund's inception in 1969 through December 31, 1978.

On November 13, 1978, EMS and Edie informed the Board of Directors of Growth Fund ("Growth Fund Board") that Manufacturers Hanover Trust Company ("MHT") planned to acquire all of the issued and outstanding shares of Edie and that EMS would terminate its investment advisory contract with Growth Fund at or prior to the effective date of the MHT acquisition in order to avoid potential problems under the Glass-Steagall Act. EMS indicated to the Growth Fund Board at that time that it would seek a successor investment advisor for Growth Fund. After reviewing numerous proposals from prospective investment advisers, Edie and Price entered into a letter of agreement ("Agreement") on December 15, 1978, which called for Price to assume management responsibility of Growth Fund effective December 31, 1798, simultaneously with the closing of the MHT acquisition, and a reorganization pursuant to which New Horizons would acquire all of the assets of Growth Fund.

Applicants state that in the Agreement, EMS undertook: (1) To transfer to Price and grant Price access to all its files and information relating to the performance of its services pursuant to its advisory agreement with Growth Fund; (2) to make EMS personnel available to Price in order to facilitate Price's assumption of management of Growth Fund; and (3) to use its best efforts to bring about the prompt consummation of Growth Fund's reorganization into New Horizons, including assistance in obtaining requisite approval by shareholders, directors and regulatory agencies. In exchange for these undertakings, Price paid EMS $50,000. In addition, EMS and Edie agreed to provide advice and assistance to Price for a two year period beginning December 31, 1978, the date EMS terminated its investment advisory agreement with Growth Fund. EMS further agreed that during this two year period, it would not act as sponsor or investment adviser to any publicly offered, open-end investment company which has as its primary investment objective capital appreciation through investments in small capitalization and emerging growth stocks. In exchange for these undertakings, Price agreed to pay EMS $75,000 on both September 1, 1979, and September 1, 1980, unless the reorganization is not consummated on or before June 30, 1979, in which case the payments will be reduced to $25,000 each. The Agreement provides that Price will pay expenses of the reorganization and the transactions described in the Agreement to a maximum limit of $50,000 and that EMS and Edie will pay all expenses over that amount.

Applicants state that the proposed reorganization of Growth Fund with New Horizons has been approved by the board of directors of each Fund. Applicants further state that the Growth Fund Boards of Directors approved an investment advisory agreement with Price on December 28, 1978, which contains substantially the same terms and provisions as the investment advisory agreement between Price and New Horizons, except that Price will receive no compensation until approval of the advisory contract is obtained from Growth Fund shareholders. Applicants represent that Growth Fund's advisory contract with Price contains substantially the same provisions as the advisory contract with EMS, although the advisory fee paid Price will be less. EMS was paid an annual fee equal to 0.75% of the average daily net assets of Growth Fund not exceeding $100 million; 0.675% of average daily net assets in excess of $100 million but not exceeding $200 million; and 0.60% of average daily net assests in excess of $200 million. Under the investment advisory agreement currently in effect between Price and Growth Fund, as well as the agreement between Price and New Horizons, Price is to be paid (after stockholder approval) an annual fee equal to ½ of 1% of the first $500 million of average daily net assets of the fund and four-tenths of 1% of such assets in excess of $500 million.

Applicants represent that EMS and Edie have entered into an indemnity agreement with Price pursuant to which they have agreed to indemnify Price, New Horizons and associated persons in connection with the transactions set forth in the Agreement. EMS and Edie have also agreed to indemnify New Horizons if representations made to Growth Fund and New Horizons with respect to the condition of Edie Fund on December 31, 1978, are untrue and as a result either Fund is damaged. An Agreement and Plan of Reorganization dated February 1, 1979, between the Funds ("Reorganization Agreement") was approved by the New Horizons Board on January 23, 1979, and by the Growth Fund Board on January 31, 1979.

Applicants state that a special meeting of Growth Fund shareholders has been called for June 27, 1979, to secure their approval and adoption of the Reorganization Agreement, to authorize the liquidation and dissolution of Growth Fund, and to approve and adopt the investment advisory agreement with Price so that payment of advisory fees may be made to Price. Approval of the reorganization by shareholders of New Horizons is not required under Maryland law and will not be sought.

Applicants state that on the effective date of the reorganization New Horizons will issue shares of its capital stock to Growth Fund in exchange for all the assets of Growth Fund except for an amount of cash sufficient to pay certain of its liabilities. Applicants represent that although the amount of cash retained by Growth Fund cannot be computed until shortly before the closing, it is anticipated that Growth Fund will not be requird to retain more than $10,000 in cash. The number of shares of New Horizons to be issued in exchange for Growth Fund assets will be determined by dividing the aggregate value of the net assets of Growth Fund to be transferred by the net asset value per share of New Horizons. Growth Fund shareholders will receive shares (in full and fractional shares) of New Horizons equivalent to their pro-rata interest in Growth Fund. It is expected that the closing date will not be later than June 30, 1979, unless postponement is agreed to by both Funds. Applicants state that it is not anticipated that the consummation of the reorganization will result in major changes in Growth Fund's portfolio, although some changes will be made when the portfolios of the Funds are united. Any brokerage commission paid in connection with portfolio transactions occurring after the consummation of the reorganization will be borne by New Horizons.

Applicants state that Growth Fund has eight directors, two of whom are officers of Price and New Horizons, and one of those two is also a director of

New Horizons. New Horizons has six directors, four of whom are officers of Price. Applicants state that at the time the reorganization of the Funds was approved by both boards at least half of their respective members were not "interested persons" of Price within the meaning of Section 2(a)(19) of the Act. The officers of each Fund are officers of the other Fund and also officers or employees of Price. Applicants assert that neither Fund is under the control of Price and that the Funds are not under common control. Applicants nevertheless state that because of the relationships described above, the Funds might be deemed to be under common control and, thus, "affiliated persons" of each other within the meaning of Section 2(a)(3) of the Act.

Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company or any affiliated person of such an affiliated person, acting as principal, from knowingly selling any security or other property to such registered company or knowingly purchasing any security or other property from such registered company, subject to certain exceptions. Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned, and with the general purposes of the Act.

Applicants assert that the terms of the proposed reorganization are fair and reasonable insofar as shareholders of Growth Fund will be receiving shares of New Horizons equal in aggregate net asset value to Growth Fund's net assets and no shareholder of either Fund will experience any change in the redemption value of his securities because of the reorganization. Applicants state that the Funds are not bearing any expenses of the reorganization. Applicants asserts that the proposed reorganization is consistent with the respective investment policies of Growth Fund and New Horizons insofar as Growth Fund shareholders will receive shares of a no-load, open-end management company with substantially identical investment policies and investment restrictions managed by the same investment adviser.

Applicants assert that the reorganization will result in a reduction in the advisory fee paid on Growth Fund's portfolio because the fees paid by New Horizons to Price are at a substantially lower rate than the advisory fees paid by Growth Fund to EMS. Applicants also point out that the ratio of operating expenses to average net assets of New Horizons is lower than that of Growth Fund due to economies of scale and that such economies should be enhanced after the reorganization to the benefit of the shareholders of both Funds. The application states that the reorganization will benefit both Funds because no brokerage commission will be paid on the transfer of Growth Fund's portfolio to New Horizons.

Section 17(d) of the Act and Rule 17d-1 thereunder provide, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or company controlled by such registered company, is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and an order granting such application has been issued. In passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than that of other participants. A joint enterprise or other joint arrangement is defined in Rule 17d-1 as any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof, and any affiliated person of such person, have a jount or a joint and several participation, or share in the profits of such enterprise or undertaking.

Applicants state that if the reorganization is considered as part of an enterprise encompassing the transactions contemplated by the Agreement, including the payments to EMS by Price, indemnification of the Funds and reimbursement of the Funds' expenses, then by virtue of particpation by Price in those transactions, there would be a "joint enterprise" within the meaning of Rule 17d-1 and an order granting such application would be required in connection with the proposed reorganization.

Applicants represent the participation by Price in these transactions, including the assumption by Price of expenses incurred by the Funds as the result of the reorganization, is fair and reasonable and is consistent with the provisions, policies and purposes of the Act. In addition, it is asserted that no participant in the reorganization and related transactions participates on a basis different from or less advantageous than the other participants. In this regard, it is further asserted that no shareholder of any participant will be treated any differently than any other shareholder of that participant, and no officer or director of any participant will receive any special benefit by virtue of the reorganization.

Notice is further given that any interested person may, not later than June 11, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-16024 Filed 5-22-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Agency for International Development

A.I.D. Research Advisory Committee; Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on July 12–13, 1979 at the Pan American Health Organization Building, 23rd Street and Virginia Avenue, N.W., Conference Room 'C' to review, appraise and make recommendation to the Administrator, Agency for International Development, concerning projects proposed for A.I.D. central research funding in the fields of food and nutrition, rural development, population and family planning, and selected development problems.

The meeting will begin at 9:00 a.m. and adjourn at 5:30 p.m. each day. The meeting is open to the public. Robert C. Simpson, Director, Office of Program, Bureau for Development Support, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information, contact Mr. Simpson, 1601 N. Kent Street, Arlington, Virginia 22209 or call area code (202) 235–8898.

Dated: May 14, 1979.

Robert C. Simpson,

A.I.D. Representative, Research Advisory Committee.

[FR Doc. 79–16093 Filed 5–22–79; 8:45 am]

BILLING CODE 4710–02–M

Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on June 25 and 26, 1979, from 9:30 a.m. to 5:00 p.m., at the Marine Memorial Club, 609 Sutter Street, San Francisco, California.

On June 25th the Committee will continue examining the global food adequacy issue, with emphasis in the nutrition aspects of the subject. The role of voluntary agencies in nutrition, food production and food distribution programs will be given special attention. On June 26th the Committee will address itself to development education, the evaluation and self-assessment of voluntary agency programs, and food-aid programs. It will also consider such other matters related to voluntarism in the foreign assistance as may be appropriate.

The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee. Written statements may be filed before or after the meeting.

Mr. John A. Ulinski, Jr. will be the A.I.D. representative at the meeting. It is suggested that those desiring further information contact Mr. Ulinski at 202–632–8937 or by mail, c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523.

Dated: May 16, 1979.

Calvin H. Raullerson,

Assistant Administrator, Bureau for Private and Development Cooperation.

[FR Doc. 79–16092 Filed 5–22–79; 8:45 am]

BILLING CODE 4710–02–M

Office of the Secretary

[Public Notice CM–8/199]

Shipping Coordinating Committee; Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 10:30 a.m. on Wednesday, June 13, 1979, in Room 1207 of the Department of State, 2201 C Street, NW., Washington, D.C. 20520.

The purpose of the meeting will be to review shipping items covered at the United Nations Conference on Trade and Development (UNCTAD V) held in Manila in May. A discussion of other pertinent shipping matters will take place.

Requests for further information should be directed to Mr. Richard K. Bank, Office of Maritime Affairs, Department of State, Room 5826, Washington, D.C. 20520, telephone (202) 632–0704.

The Chairman will entertain comments from the public as time permits.

The public is kindly requested to use the C Street entrance to the State Department.

Richard K. Bank,

Chairman, Shipping Coordinating Committee.

May 11, 1979.

[FR Doc. 79–16090 Filed 5–22–79; 8:45 am]

BILLING CODE 4710–01–M

[Public Notice CM–8/200]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on June 26, 1979, in Conference Room D, Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C., at 9:30 a.m.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting will be to determine the work program looking to the international meeting of Study Group 1 in 1980.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: May 16, 1979.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 79–16091 Filed 5–22–79; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/198]

Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on June 6, at 10:00 a.m. in the Theater on the first floor of the ComSat Building, 950 L'Enfant Plaza, S.W., Washington, D.C.

Study Group 4 deals with matters relating to systems of radiocommunications for the fixed service using satellites. The purpose of the meeting is to review the results of the 1978 CCIR Plenary Assembly and the Special Preparatory Meeting for the

1979 World Administrative Radio Conference, and develop a program of work in preparation for the 1980 meeting of international of Study Group 4.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: May 14, 1979.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 79-16089 Filed 5-22-79; 8:45 am]

BILLING CODE 4710-01-M

INTERSTATE COMMERCE COMMISSION

Fourth Section Applications for Relief

May 18, 1979.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. within 8 days from the date of publication of this notice.

FSA No. 43700, Louisville and Nashville Railroad Company No. 1, rates on round trip unit train movements of whole grain and soybeans, in carloads, from Delphi and Lafayette, Indiana to Mobile, Alabama, Savannah, Georgia and Pascagoula, Mississippi, to be published in its Tariff LN 4046, ICC LN 4046. Grounds for relief—rate relationship.

Protests are due at the I.C.C. on or before June 7, 1979.

FSA No. 43701, Seatrain International, S.A. No. WEE-30, intermodal rates on general commodities in containers, between ports in Europe and Africa, on the one hand, and on the other, rail carriers terminals on the United States West Coast, by way of Charleston, SC, in Pacific Coast European Conference Tariff No. 1, I.C.C. No. 1, North Europe—United States Pacific Freight Conference Tariff No. 5, I.C.C. No. 5 and Seatrain International, S.A. Tariff 314, I.C.C. STLU 314, effective June 7, 1979, and later. Grounds for relief—water competition. By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-16170 Filed 5-22-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 101
Wednesday, May 23, 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).

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1

CONSUMER PRODUCT SAFETY COMMISSION.

Revised Agenda*

TIME AND DATE: Wednesday, May 23, 1979, 9:30 a.m. and 1:30 p.m.

STATUS: Part Open, Part Closed.

LOCATION: Third Floor Hearing Room, 1111-18th St., NW., Washington, D.C.

A. Open to the Public, 9:30 a.m.

MATTERS TO BE DISCUSSED: 1. *Home Safety, Playground Safety Public Service Announcements.*

The staff and Commission will review recently-developed radio and television public service "spots" for the home safety and playground safety campaigns.

2. *Briefing on Hair Dryers/Asbestos: Status Report.*

The staff will present another in a series of regular reports to the Commission on the status of actions it is taking to deal with posssible hazards associated with asbestos in hand-held hair dryers. The last previous report was on May 17.

B. Partly Open, Partly Closed to the Public, 1:30 p.m.

3. *Briefing on Public Playground Equipment.*

The staff will present options for Commission action to address risks of injury associated with public playground equipment. In May, 1977, the Commission considered a recommended mandatory safety standard prepared by the National Recreation and Parks Association under the Commission's "offeror" process. (Portion closed under exemption 9: possible significant frustration of agency action.)

C. Open to the Public.

4. *Briefing on Chronic Hazards Programs.*

The staff will present a status report on various chronic hazards projects.

CONTACT PERSON: Sheldon D. Butts, Assistant Secretary, Suite 100, 1111-18th St. NW., Washington, DC 23207, (202) 634-7700.

[S-1019-79 Filed 5-21-79; 12:03 pm]

BILLING CODE 6355-01-M

*Agenda revised May 18, 1979 with deletion of two items: Small Parts, and the Briefing on Emerging Priorities (which have been rescheduled), and with the addition of current item 4, the Briefing on Chronic Hazards Programs.

2

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: Thursday, May 24, 1979, 9:30 a.m.

LOCATION: Third Floor Hearing Room, 1111-18th St., NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: 1. *Election of Vice Chairman.*

The Commission will elect a Vice Chairman to serve a one-year term beginning June 1, 1979.

2. *Small Parts Regulation.*

The Commission will consider a draft final regulation classifying certain children's products as banned hazardous substances because they present unreasonable risks of injury due to the presence of accessible small parts. The staff briefed the Commission on this matter May 16. (This item was previously scheduled for May 23.)

3. *CPSA Rules for Inspection.*

The Commission will consider draft final rules for Investigations, Inspections and Inquiries under the Consumer Product Safety Act. The staff briefed the Commission on this matter May 17.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistance Secretary, Suite 300, 1111-18th St., N.W., Washington, DC 20207, (202) 634-7700.

Agenda approved May 18, 1979. In approving this agenda, the Commission determined that agency business requires consideration of these items without seven days advance notice.

[S-1020-79 Filed 5-21-79; 12:03 pm]

BILLING CODE 6355-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: Wednesday, May 30, 1979, 10 a.m.

LOCATION: Room 456 Westwood Towers, 6401 Westbard Ave., Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE DISCUSSED: 1. *Briefing on Emerging Priorities.*

Staff from the Emerging Priorities/Special Projects Team will present a six-month review of the team's activities.

2. *Briefing on Statutory Rule Review.*

Recent amendments to the Consumer Product Safety Act require CPSC to undertake a review of its regulations and report to the Congress with recommended changes. At this meeting, the staff will present a proposed plan for this review.

3. *Public Playground Equipment.*

The Commission will consider options for action to deal with risks of injury associated with public playground equipment. The staff briefed the Commission on this matter May 23.

4. *Coal- and Wood-Burning Stoves Petition, AP 77-2.*

The Commission will consider a petition in which Adam Paul Banner of Midland, Michigan, asks CPSC to issue a labeling rule for coal- and wood-burning appliances, stoves and free-standing fireplaces. The staff briefed the Commission on this petition on March 14.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Suite 300, 1111 18th St. NW., Washington, DC 20207, (202) 634-7700.

[S-1021-79 Filed 5-21-79; 12:03]

BILLING CODE 6355-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published May 22, 1979).

PREVIOUSLY ANNOUNCED ITEM AND DATE OF MEETING: May 23, 1979, 10 a.m.

CHANGE IN MEETING: The following item has been added:

Item No., Docket No., and Company

CAG-21.—CP77-383, (Phase II), Panhandle Eastern Pipe Line Company.
CAG-21.—CP77-423, (Phase II), Colorado Interstate Gas Company.
CAG-21.—CP79-16, Mountain Fuel Supply Company.
M-9.—RM79-13, Interim Regulation for the Implementation of Section 401 of the Natural Gas Policy Act of 1978.

Kenneth F. Plumb,

Secretary.

[S-1022-79- Filed 5-2-79; 1:32 pm]

BILLING CODE 6450-01-M

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FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: May 18, 1979, 44 FR 29209.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: May 23, 1979.

CHANGE IN THE MEETING: Addition of the following item to the open session:

11. Matson Navigation Company proposed bunker surcharge increase.

[S-1023-79 Filed 5-21-79; 2:55 pm]

BILLING CODE 6730-01-M

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NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Weeks of May 7 and 14, 1979 (Changes).

PLACE: Commissioners' Conference Room 1717 H St., N.W., Washington, D.C.

STATUS: Open/Closed.

Friday, May 11, 3 p.m.

1. The Discussion of Upgrade Rule and Supporting Guidance (Approximately 1½ hours—Closed—Exemption 1 was Postponed).
2. Affirmation Session (approximately 5 minutes—public meeting).

Item b, Physical Protection of Material, was postponed.

Wednesday, May 16

The Staff Briefing on Oconee Order (approximately 1 hour, public meeting) scheduled for Approx 3:00 p.m. was rescheduled to 9:30 a.m., Friday, May 18. Affirmation of Confirmatory Orders in Crystal River and Davis-Besse (approx 5 minute—public meeting) took its place.

Thursday, May 17

1. The following items scheduled for the Affirmation Session (approximately 11 a.m.—approximately 5 minutes—public meeting were postponed):

a. Revision of Part 2.802, Petition for Rulemaking
c. Petition to Defer Implementation of Security Personnel Qualification and Equipment (rescheduled to May 24)
d. Fialka FOIA Appeal

Confirmatory Order in Arkansas-1 was added

2. The Briefing on Reactor Licensing Schedules (Approximately 1 hour—public meeting) scheduled for 2 p.m. was cancelled. The Discussion of Uranium Mill Tailings Act was rescheduled in its place.

CONTACT PERSON FOR MORE INFORMATION: Roger Tweed, (202) 634-1410, May 18, 1979.

Roger M. Tweed,

Office of the Secretary.

[S-1024-79 Filed 5-21-79; 3:19 pm]

BILLING CODE 7590-01-M

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NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of May 21, 1979.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open (Changes).

MATTERS TO BE CONSIDERED:

Monday, May 21, 2:30 p.m.

Discussion of Licensing Schedules and Related Matters (approximately 2 hours—public meeting) additional item.

Thursday, May 24, 9:30 a.m. (Revised)

1. The 9:30 briefing should be titled "Briefing by Oak Ridge on Another Perspective of the 1958 Soviet Nuclear Accident (approximately 1 hour—public meeting).
2. Affirmation session (approximately 10 minutes—public meeting).

a. NRDC Petition for Rulemaking as scheduled
b. Physical Protection of Category II and III Material, Cancelled
c. Fialka FOIA Appeal Cancelled
d. Seabrook Seismic Shutdown Petition Added
e. Petition on Security Personnel Rescheduled from May 17.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, 202-634-1410.

Roger M. Tweed,

Office of the Secretary.

May 17, 1979.

[S-1025-79 Filed 5-21-79; 3:19 pm]

BILLING CODE 7590-01-M

federal register

Wednesday
May 23, 1979

Part II

Environmental Protection Agency

Grants for Water Quality Planning, Management, and Implementation

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 35, 130, 131

[FRL 1096-6]

State and Local Assistance; Grants for Water Quality Planning, Management and Implementation; Final Regulations

AGENCY: Environmental Protection Agency.

ACTION: Rule.

SUMMARY: These regulations govern the water quality management (WQM) program. This program is administered by the Environmental Protection Agency (EPA) under the authority of sections 106, 208, and 303 of the Clean Water Act (the Act). The WQM program is a nationally directed and funded program, managed by EPA's regional offices. Through the WQM program, grants and other assistance are provided to States and interstate and areawide agencies for the development and implementation of programs to abate and control both point and nonpoint sources of water pollution. Specific program activities include the identification of water pollution problems; the assignment of responsibilities for problem-solving to Federal, State, interstate, areawide, and local government agencies; and the development and implementation of solutions to the problems.

Four earlier sets of regulations implementing sections 106, 208, and 303 of the Act are revised and replaced by these regulations. The four superseded regulations were found at 40 CFR Part 130; 131; §§ 35.200 through 35.236; and §§ 35.551 through 35.570. EPA combined these four sets of superseded regulations into one and eliminated, simplified, and consolidated numerous program requirements of those regulations in response to the President's directive to consolidate Federal planning requirements on State and local governments.

These regulations were proposed in the **Federal Register** on September 12, 1978 (43 FR 40742). Public comment was received on the proposal for 60 days. These regulations reflect comments received.

DATE: These rules are effective on May 23, 1979 (see § 35.1501).

ADDRESS: Comments submitted on these regulations may be inspected at the Public Information Reference Unit, EPA Headquarters, Room 2922, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, between 8 a.m. and 4 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Peter L. Wise, Chief, Program Development Branch, Water Planning Division (WH-554), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, telephone 202-755-6965.

SUPPLEMENTARY INFORMATION: These regulations do not contain major changes or shifts in the goals and objectives of the WQM program. They do, however, make some adjustments in the management and structure of the program. They address program management needs identified in an EPA study prepared for the Office of Management and Budget entitled "Program Strategy for Water Quality Management, FY 1979-1983." They implement applicable provisions of the Clean Water Act of 1977 and several new executive orders and directives. The regulations were revised in order to set forth necessary requirements for the continuing planning and implementation phase of the program, because the initial planning period for grantees (usually three years) has ended or will soon end. Modifications to requirements in the earlier regulations were made to resolve problems that have arisen with those regulations over the past several years.

EPA is currently in the process of revising existing WQM policy guidance in order to conform to these regulations and to eliminate outdated policy. The current Program Guidance Memoranda (SAMs) will be revised and reissued as WQM Policy Memoranda and will have new numbers. This guidance may be obtained from EPA's Water Planning Division.

EPA has published proposed regulations to implement the "clean lakes" program under section 314 of the Act (44 FR 5685, January 29, 1979). The WQM regulations already cover several relationships to the clean lakes program. EPA is considering further integrating the two programs. We invite comment on how they should be integrated, including the possibility of incorporating the clean lakes regulations into the WQM regulations when the final clean lakes regulations are promulgated. EPA may also modify these WQM regulations at that time to accommodate necessary changes in the WQM program brought about by integration with the clean lakes program. In addition, we may make other changes to the WQM regulations that are appropriate in view of experience in the WQM program.

EPA intends to propose additional provisions for the WQM regulations that will govern statewide section 208 dredge and fill regulatory programs under sections 208(b)(4) (B) and (C) of the Act. These sections were added by the Clean Water Act of 1977.

During the continuing planning phase of WQM, pollution problems that were not covered by the initial plans will be addressed. Over time, as resources are available, WQM plans to cover all pollution problems will be completed.

We began to consider the need for revised WQM regulations in January 1978. A retreat involving EPA Headquarters and regional personnel, State officials, and areawide planning agency officials was held in April 1978. Discussions during this meeting led to the decision by the Agency to proceed with a revision of the WQM regulations. On May 4, 1978, a preliminary concept paper containing proposals for revising the regulations was distributed to EPA regions; State, areawide, and local governments; public interest groups; trade associations; and interested individuals. EPA believes it is very important to involve the public in the WQM process. In keeping with this policy, three public meetings were held in Washington, D.C. to discuss and receive comments on the concept paper. Numerous comments were received by mail, phone, and at the meetings. These comments were considered in developing the proposed regulations. The regulations were developed and reviewed by EPA with interest groups such as the Natural Resources Defense Council, Association of State and Interstate Water Pollution Control Administrators, National Association of Regional Councils, National Association of Conservation Districts, and the National Forest Products Association. The regulations were proposed in the **Federal Register** on September 12, 1978 (43 FR 40742). We held a public hearing to receive comments on October 24, 1978. The official 60 day comment period on the regulations closed on November 13, 1978, and as of that date, we had received approximately 180 comments.

The following discussion responds to the comments received on the proposed regulations. The discussion is arranged by subject area. Changes made in the final form of the regulations in response to public comment are discussed as are the Agency's response to significant comments that did not lead to changes. The citations in the discussion of comments are to sections of the final WQM regulations unless otherwise indicated. We invite further comments on the changes made in the WQM program through these regulations.

Applicability of Revised Regulations

A number of commenters questioned how these regulations would apply to WQM planning efforts that are already underway but are not yet completed or approved as of the date of publication of these regulations (§ 35.1501). The general rule set forth is that they will apply to future WQM planning activities funded after promulgation of the regulations and to all implementation activities. Previously funded planning efforts, including development of the initial WQM plans and fulfillment of conditions attached to EPA approval of initial plans, will generally be governed by the regulations under which they were funded and developed.

An exception to this general rule provides that the Regional Administrator may determine, after consultation with the planning agency, that it is appropriate to apply these regulations to previously funded planning efforts or satisfaction of approval conditions (§§ 35.1501(b) (3) and (4)). This will allow application of these regulations to earlier planning efforts in cases where this would not be inequitable or unduly disruptive of a planning agency's efforts.

A second exception provides that the new procedures for evaluation, certification and approval of plans established in the revised regulations will be used in reviewing all WQM plans and updates regardless of the date of the grant award. Commenters thought that this required that all WQM planning efforts be reviewed and evaluated against the new requirements for plan content found in the revised regulations (§§ 35.1521–3 and 35.1521–4). The regulations do not require this. They require that the evaluation procedures be used in all cases, *not* the new requirements for plan content. Previously funded planning efforts will normally be evaluated using requirements for plan content found in the regulations that were in effect at the time of the grant award (i.e., 40 CFR Part 131.11). As discussed, however, the Regional Administrator may use the new requirements for plan content when evaluating previously funded planning efforts in appropriate cases.

Relationships Between Water Quality Assessments, State Strategy, State/EPA Agreement, Annual Work Program, WQM Plans, and Continuing Planning Process

Several commenters felt that the relationships between the major components of the WQM program were not adequately explained or were confusing. We have clarified these relationships, revised the program summary and reorganized the regulations in response to these comments. Some of the principal relationships between the components are discussed here.

Many WQM planning agencies have already completed initial WQM plans. These plans were developed primarily with section 208 funds. They have been or are now being submitted to Governors for certification and to EPA Regional Administrators for approval. WQM plans play a key role in the ongoing State WQM process. Information and requirements in certified and approved WQM plans will be used in an annual process of assessing water quality problems, updating the State strategy to solve those problems, and developing State and areawide work programs for the production of various types of WQM problem-solving outputs.

WQM plan updates are one output to be addressed in work programs. Plan updates must be directed at solving problems, not merely producing a plan with better supporting data or current information. Plan updates must build on existing plans. Decisions concerning the scope, direction and funding levels for future WQM plan updates, refinements, and implementation are made during the development of the program components described below.

It is helpful to think of the WQM process as a series of steps beginning with the water quality assessment process. Water quality conditions and problems are indentified in the water quality assessment process. Activities that comprise this process have been and are being performed by State and areawide agencies under existing section 208, section 106, and section 314 programs, included during the development of WQM plans. Results of assessment activities are reflected in written documents including WQM plans and the section 305(b) report. State strategies, State/EPA Agreements, and annual work programs all make use of assessment data.

The State's five-year strategy establishes a general framework of priorities and approaches to resolving the water quality problems identified in the water quality assessment process. The State strategy is updated annually. It must set forth water quality problem-solving goals for the strategy period, activities to be conducted to achieve those goals, agencies responsible for those activities and the estimated costs of conducting the activities.

Major environmental problems, including water quality problems, to be addressed by a State in the coming year are selected by the EPA Regional Administrator and the Governor through the annual negotiation of the State/EPA Agreement. The Agreement integrates environmental problem-solving under programs of the Clean Water Act, the Resource Conservation and Recovery Act, and the Safe Drinking Water Act. The Agreement must be consistent with the State strategy.

The annual State WQM work program is a part of the State/EPA Agreement. It may be included as an attachment of the Agreement or incorporated by reference. Areawide work program development is coordinated with State activities. Annual State and areawide work programs are detailed plans of action for resolving water quality problems including those selected during the negotiation of the State/EPA Agreement. They set forth a schedule of activities for producing problem-solving outputs, generally over a one-year period, and identify responsible agencies and funding sources. Activities to update WQM plans, assessments, and the State strategy are also described in State and areawide work programs.

Section 303(e) of the Clean Water Act requires that States submit to EPA for approval a Continuing Planning Process (CPP) document. The CPP document describes the procedures for the State WQM process required under this subpart including procedures for developing the documents described above. All States now have approved CPP documents. EPA views that document as needing revisions only when there are fundamental changes in a State's WQM process.

Requirements for the Submission of Documents

A number of commenters remarked that the revised regulations appear to require the submission of reports and documents to EPA that were not required under the superseded WQM regulations, in particular water quality assessments, the State strategy and the State/EPA Agreement. These are not new requirements. The annual water quality assessment is a process and not a report as is explained in the section of the preamble on the assessment. The State strategy was required under 40 CFR § 130.20. A State/EPA Agreement was previously required under 40 CFR § 130.11. These regulations expand the scope and importance of State/EPA Agreements and consolidate requirements under the superseded regulations for separate State/EPA

Agreements, State section 208 work plans, State section 106 program plans, and the narrative portions of State grant agreements into the requirement for a State/EPA Agreement.

Public Participation Requirements

The Agency received many comments on public participation. Comments on the general provisions for public participation (§ 35.1507) are discussed here. Comments on public participation at specific steps in the WQM process are discussed elsewhere in the preamble.

The proposed regulations have been revised to conform with 40 CFR Part 25 (44 FR 10286, February 16, 1979) and to clarify the public's role in water quality management. All public participation in the WQM process is to be conducted in accordance with the Agency's requirements found in Part 25. Public meetings are mandatory for draft work programs and public hearings are mandatory for proposed WQM plans. Summaries of public comments received during meetings or hearings and the WQM agency's response to those comments are required by Part 25 and are called "Responsiveness Summaries". The summaries must be forwarded to EPA along with other required submittals.

A number of commenters requested that the public be involved in policy decisions as well as technical matters. We believe public participation is desirable in both instances. The regulations provide for public involvement at specific points throughout the WQM process (§ 35.1507). Further, WQM agencies may establish policy and technical subcommittees of the advisory committee specifically to consider policy and technical issues in further detail.

Several commenters wanted more detail on the particular stages of the WQM process where the public must be involved. We feel that the general provisions in Part 25 requiring public involvement throughout the WQM process and the more specific provisions in these regulations assure EPA grantees will adequately involve the public. Specific activities and schedules to meet these requirements will be set out in the work program. Inadequacies can be addressed during work program development and in the EPA work program approval process. Further EPA guidance on WQM public participation requirements is being prepared and will be issued in the near future.

Some reviewers believed the requirements for public participation would slow the WQM process so that deadlines specified in the regulations could not be met. EPA considered the time needed for effective public participation in establishing the deadlines. As discussed elsewhere in the preamble, additional time has been provided for consideration of public input in State certification actions and after planning agencies' public hearings. Adequate public participation and support are critical for the success of the WQM process. We believe that early and continuing involvement of the public as required by these regulations will avoid delays resulting from a lack of public support for plan recommendations and implementation decisions.

A number of comments were received on WQM advisory committee membership during the development of Part 25 and these regulations. These comments were considered in the development of both regulations. Each State must have an advisory committee which will be consulted during the development of the State WQM plan, State strategy, State/EPA Agreement (including work programs), evaluations, and other WQM activities funded under this subpart. Each areawide agency must have an advisory committee which will be consulted during the development of the areawide WQM plan and work program. Existing advisory committee membership may have to be changed to conform to new requirements of Part 25. Generally, this can be accomplished by expanding the membership to achieve the goal of substantially equal proportions of public officials, representatives of public interest groups, representatives of economic interests, and private citizens. A newly reconstituted advisory committee may renegotiate its budget. The WQM advisory committee can be consolidated with committees under other programs (e.g., water supply or solid waste programs). Future grants must provide funding for advisory committees.

Some reviewers felt that the remedies provided for failure to meet public participation requirements were not adequate. The same sanctions that apply in cases of failure to meet other output requirements apply to public participation requirements (e.g., disapproval of the CPP, disapproval of the work program or WQM plan, and withholding funds under this subpart). We believe that these remedies are adequate.

Some commenters recommended that we encourage public opinion surveys as part of the WQM process in order to determine how the general public views water quality issues. We believe that planning agencies should solicit the public's opinion about the WQM process and water quality issues through a variety of means such as public hearings and meetings, interviews, questionnaires and public opinion polls. The WQM process provides opportunities for doing so.

Water Quality Assessment

Several reviewers interpreted the regulations to require the annual submission of a document called the water quality assessment. The final regulations have been revised to make it clear that the assessment is not a document but is instead a process already taking place as part of the WQM process (§ 35.1511–1). Water quality assessment activities are funded under sections 106, 208, 314, and a variety of other Federal, State and local programs. Results of the assessment may be reflected in written documents that are already required (e.g., the section 305(b) report and WQM plans).

A number of commenters expressed concern that the regulations allowed only section 106 funds to be used in conducting water quality assessment activities. The regulations do not preclude the use of section 208 funds or money from other Clean Water Act funding sources. The Regional Administrator may make a specific determination that such other funds may be used. The regulations do, however, express a clear preference for the use of section 106 funds for WQM water quality assessment activities (§ 35.1511–1(b)(2)).

Several reviewers were concerned that the proposed regulations appeared to require that the section 305(b) report be prepared annually instead of biennially as specified in section 305(b) of the Act. The final regulations have been revised to make it clear that the section 305(b) report is only required biennially (see § 35.1511–1(f)). EPA guidance on the preparation of section 305(b) reports is available in EPA's regional offices.

Relationships Between the States and Areawide Planning Agencies

Many State and areawide planning agencies were concerned about the portions of the regulations that discussed the relationship between States and areawide planning agencies. Most of those portions are found in the sections of the regulations dealing with the State/EPA Agreement and work program. States sought greater control of areawide planning agencies. Areawide

agencies wanted independence from State control and a direct relationship with EPA.

We feel that the requirements in these regulations represent a reasonable balancing of these conflicting institutional interests. States are given a strong management role and a substantial role in developing areawide work programs and setting areawide priorities. New procedures have been added for cooperation and coordination between States and areawides during work program development. However, as intended in the Act, areawide agencies continue to have a direct relationship with EPA. EPA approves areawide work programs, considering State comments, and funds areawide agencies directly. The conflict resolution procedures required by these regulations establish a mechanism for resolving disputes at the State and local level (§ 35.1517). Specific comments concerning the State/areawide relationship and our responses are discussed below.

The regulations require that the Governor assure adequate WQM planning consistent with these regulations is conducted throughout the State including in designated planning areas (see § 35.1521–5(a)(1)). Several States felt that it was contradictory and inequitable for the States to be held responsible for the consistency of WQM planning throughout the State yet not be able to ensure that areawide work programs and, hence, subsequent WQM planning activities are consistent with the State WQM program. They felt that State approval of work programs was the only way to ensure Statewide consistency. We believe the regulations enable the States to ensure the consistency of WQM planning throughout the State by providing that the State work program sets a policy framework for areawide agencies (see §§ 35.1513–3(c) and 35.1515(b)). This policy framework is based on the State strategy and can include priorities for areawide actions and timing of major areawide outputs. Areawide work programs must be consistent with the framework.

Specific provisions added to the final regulations for increased cooperation and communication between State and areawide agencies during the development of work programs will help ensure consistency. These provisions include early State notification to areawide agencies of significant elements of the State's proposed policy framework applicable to areawide agencies. Areawide agencies must also provide the State with an early opportunity to review and comment on proposed work program elements (§ 35.1513–4(a)). States have the opportunity to review and comment on draft areawide work programs (§ 35.1513–4(c)). Their comments will be sent directly to EPA. EPA will consider the State's comments to be a crucial element in EPA's review of areawide work programs and will not approve areawide work programs that are inconsistent with the State's policy framework established in the State work program.

Two commenters believed State/EPA Agreements should be based on local priorities developed by areawide planning agencies. State/EPA Agreements must be consistent with approved areawide and State WQM plans and the State strategy, all of which may include local priorities. Areawide agencies may address local priorities in areawide work programs if they are consistent with the State policy framework and EPA concurs. The State must involve areawide agencies in developing the State/EPA Agreement and consider areawide priorities when developing the Agreement. The State shall forward to EPA a summary of areawide participation in developing the Agreement and areawide comments on the Agreement along with the draft Agreement (§ 35.1515(b)).

Several States felt that areawide funding should be passed through the State to the areawide agencies in order to allow the States to ensure that WQM planning throughout the State is consistent. Direct funding of areawide planning agencies by EPA is established policy. This policy was established because direct funding is necessary to preserve the integrity of the areawide approach to solving water quality problems established by the Clean Water Act. It is consistent with Congressional intent as expressed in § 208(f) of the Act and does not diminish the State's role during work program development. EPA, therefore, has concluded that areawide agencies have a right to receive grants directly from EPA (see § 35.1513–5(b)). However, EPA has revised the regulations to provide that nothing shall preclude a State and areawide agency from agreeing to pass grant funds through the State to the areawide agency.

A number of commenters were concerned that the requirement for conflict resolution procedures would lead to duplication of existing procedures of areawide planning agencies. In response, EPA has provided that the conflict resolution procedures should include existing conflict resolution mechanisms established by areawide agencies (§ 35.1517(a)).

Work Programs

Several commenters objected that the requirement for a public hearing on the work program would be too burdensome. In response and in order to conserve resources, we have changed the requirement for a public hearing to a requirement for a public meeting (§ 35.1507(b)). We feel that the level of interest in work program development will be high and that it is very important to involve the public in the WQM process at the stage when basic funding and program decisions are made. The best way to ensure that the public is involved is through requiring a public forum such as a meeting in all cases. The more informal procedures of a public meeting allow for adequate public input and are less costly than public hearings (see 40 CFR Part 25).

Several comments were received regarding the level of detail required in the description of outputs for each work program element (§ 35.1513–6). Roughly the same number of comments requested more detail as requested less detail. The regulations have been clarified to eliminate inferences that more detail was being required for outputs descriptions than in the past. We feel that the regulations provide for development of program elements and outputs descriptions that are sufficient to allow for effective evaluation of grantee performance without sacrificing needed flexibility.

A number of comments stated that the requirements in the proposed regulations for on-site, mid-year work program evaluation meetings, including public meetings, would be too burdensome. The requirement for a mid-year evaluation meeting is not new. The superseded regulations required a mid-year evaluation meeting for the section 106 State program and interim progress reports for section 208 programs. The WQM evaluation meeting now serves the evaluation function previously served by these requirements. In response to comments, we have decided not to require a public meeting. Public participation during the development and implementation of the work program will allow adequate public input into evaluation of ongoing efforts. However, EPA's evaluation report must be made available to the public for their information and comment. We have revised the final regulations to provide that evaluation meetings may cover more than one agency and do not have to be held on-site.

State/EPA Agreements

The Agency has developed a guidance document requiring development of State/EPA Agreements covering certain Clean Water Act, Resource Conservation and Recovery Act (RCRA), and Safe Drinking Water Act programs for fiscal year 1980. This guidance was published in the Federal Register (44 FR 17294, March 26, 1979). The requirement for State/EPA Agreements is now cited in regulations for these three Acts (see 40 CFR § 35.738–6 of the RCRA grant regulations, 40 CFR § 35.660(d) of the Underground Injection Control grant regulations, 40 CFR § 35.1650–2(a)(2) of the proposed clean lakes program regulations, 40 CFR § 35.1016(c) of the § 205(g) regulations and § 35.1515 of these regulations).

State/EPA Agreements will provide a way for Regional Administrators and States to coordinate and, to the maximum extent feasible, integrate programs administered by EPA. The Agreements will maximize effective use of resources in solving environmental problems. The Agreement must identify problem-solving tasks that utilize the resources and authorities of these Acts in a joint effort to solve environmental problems and steps to be taken to eliminate management problems such as duplication of effort within and between programs. Since this subpart governs only WQM grants, other programs included in the State/EPA Agreement will be governed by other provisions of this chapter.

State programs funded under sections 106, 208, 314 and 205(g) of the Clean Water Act will be covered by the State/EPA Agreement. State/EPA Agreements generally must be completed before any grant award under this subpart. However, the Regional Administrator may permit grant award before completion of the Agreement if the Regional Administrator determines that delay would not be in the best interest of sound environmental management and the activities to be funded have been adequately coordinated with other environmental programs (§ 35.1515(a)). The State/EPA Agreement must be completed before execution of delegation agreements under § 205(g) of the Clean Water Act (see 40 CFR § 35.1016(c)).

Some of the detailed requirements for State/EPA Agreement development in the proposed WQM regulations have been deleted from these final regulations. The State/EPA Agreement guidance now sets forth these requirements. Portions of State/EPA Agreements covering activities funded under the Clean Water Act must be consistent with the requirements of these regulations and the guidance. We received several comments on the requirements for State/EPA Agreements which were considered in the development of the guidance. Comments applicable to provisions that remain in the regulations are discussed below or in the preamble discussion of the WQM work program.

Several areawide planning agencies were concerned that areawide funds might not be awarded if a State failed to develop a State/EPA Agreement. In response, language has been added to the regulations clarifying that approval of areawide work programs will not be delayed because approval of a State work program has been withheld unless an unapproved element of the State work program is critical to the effectiveness of areawide efforts (see § 35.1513–3(c)).

A number of commenters felt that the requirements that drafts of the State/EPA Agreements be prepared by June 1 and final Agreements be completed by September 1 were too restrictive (§ 35.1513–4). The regulations have been revised to allow the Regional Administrator to agree to different dates with each State. This flexibility will also allow time for State and areawide planning agencies to phase into the new annual funding cycle for section 208.

An integrated work program covering the WQM process and one or more other environmental programs included in the State/EPA Agreement may be accepted by the Regional Administrator in lieu of a separate WQM work program submission under these regulations if it otherwise meets the requirements of the regulations (§ 35.1513–3(b)).

Changes in Designation Status

One commenter thought that the Regional Administrator should consult with the State when requiring procedures in addition to those described in the regulations for designation of new areawide planning agencies. This provision has been revised to require the State and Regional Administrator to agree on such additional procedures (§ 35.1519–2(a)(6)).

A number of commenters believed that the requirement for the State to hold a public meeting for each change in designation status was too burdensome. In response to these comments, the regulations have been revised to provide that a public meeting is required only when the State or EPA determines that substantial public interest in the meeting exists (§ 35.1519–2(b)(2)).

In response to the concerns of commenters, a provision has been added on procedures for State assumption of nonpoint source planning responsibilities under section 208(b)(4)(A) of the Act (§ 35.1519–2(b)(6)).

More specific criteria have been added to the regulations for changing designation status (§ 35.1519–2(a)). The regulations specify that the Governor is not relieved of responsibility to take certification action on completed plan elements prepared by a replaced agency even if there is a change in designation (§ 35.1519–2(a)(3)). The replacement agency must make maximum feasible use of any work of the replaced agency and complete key elements of work in accordance with a work program negotiated with the Regional Administrator (§ 35.1519–2(a)(4)).

Delegation of Planning Activities

Several commenters felt the regulations did not make a distinction between designation of planning agencies and delegation of planning activities (§ 35.1519). Designation of planning agencies is a formal act under the Clean Water Act through which a Governor selects or approves planning agencies to be responsible for and conduct WQM planning. Designation is a precondition of eligibility for direct EPA funding under section 208. Delegation is a contractual arrangement under which some other agency or governmental entity agrees to perform specific planning tasks for the designated planning agency. Designated agencies are responsible for satisfactory completion of all work conducted under a work program, including that performed by other agencies under delegation agreements.

Water Quality Management Planning

One commenter requested clarification on the relationship between land use management and the WQM process. We have added language to the regulations stating that the WQM planning agency must consider the relationship of water quality to land use and water resources (§ 35.1521–3(a)(1)).

As recognized in initial WQM plans, water conservation can improve water quality and increase efficiency in municipal wastewater treatment. The proposed WQM regulations did not expressly discuss the role of water conservation in the WQM process. In response to comments and a Presidential directive to EPA implementing the President's water

resources policy, we have added a new provision to the regulations drawing attention to water conservation (§ 35.1521–4(h)).

These regulations do not change EPA policy concerning the development of BMPs for the control of nonpoint sources of pollution. One commenter suggested that individual BMPs be developed for each site-specific pollution source by areawide and State planning agencies. The Agency encourages the development of BMPs in WQM plans that are sufficiently flexible to be applied under a control program to the varied circumstances of site-specific activities. Plans must identify BMPs that have been developed to control classes of activities generating nonpoint sources of pollution (e.g., BMPs for silvicultural activities relating to road building, slope erosion, and stream bed protection). It is unnecessary and would be too burdensome and costly for a WQM plan to develop an individual BMP for every site-specific activity causing pollution in a planning area. We have added a provision to the regulations stating that, to the extent practicable, BMPs should be described in a public information document which can be distributed widely in the planning area (§ 35.1521–4(c)(1)).

One commenter wanted BMPs to be included in the plan in a form which can be administered to control pollution. EPA requires that control programs for implementing BMPs be identified in the plan.

In revising these regulations, we have simplified confusing requirements and eliminated duplication and unnecessary requirements for WQM planning. This has led some reviewers to conclude that the requirements are not detailed enough to provide adequate guidance. We feel that these regulations are more specific concerning grantees' responsibilities than the old regulations and, therefore, provide better guidance (see, e.g., §§ 35.1521–3 and 4). They incorporate requirements of Agency policy developed since the promulgation of the superseded regulations (e.g., Program Guidance Memoranda (SAMs) 30 and 31). However, we have included more detail in the final regulations than in the proposed regulations where specific comments demonstrated that it was needed.

A number of comments recommended that the regulations include separate procedures for developing BMPs for each category of nonpoint source pollution. We have instead set a general requirement that BMPs be developed for the nonpoint source categories found in § 208(b)(2) (F) through (K) of the Act. A process for developing BMPs for nonpoint source control is described. In response to the comments received, we have added more specifics to the description of the process (§ 35.1521–4(c)(1)). We feel that any more detail would constrain the ability of EPA project officers and grantees to negotiate work programs that respond to the widely varied environmental, geographic, political, institutional, economic, and legal conditions of the different parts of the country. EPA has developed technical guidance documents on developing BMPs for different categories of nonpoint source activity which are available to the public.

One commenter recommended that a review mechanism be established that provides for State and Federal review of the adequacy of BMPs before they are implemented. Separate procedures for reviewing BMPs are not necessary. BMPs are reviewed by the State and EPA as part of the certification and approval process for WQM plans.

One commenter recommended that the regulations require the development of a comprehensive program for ensuring that BMPs are applied and maintained in all areas. We agree that monitoring of this type is an important function in any management agency's program. Evaluation of the effectiveness of implementation is an important area of emphasis in the continuing planning and implementation phase of the WQM process. We feel that adequate monitoring and evaluation is required by these provisions: 1) management agencies must have adequate authorities and capabilities to fulfill responsibilities under the plan before they can be designated (§ 35.1521–3(c)(1)) and 2) regulatory and nonregulatory programs administered by management agencies must have monitoring and evaluation capability (§ 35.1521–3(b)(2)). The provisions for evaluation of established control programs will also help ensure that BMPs are being applied (§§ 35.1521–3(h) and 35.1511–1(d)(3)).

One commenter asked what the basis was for the requirement that urban impacts of WQM plans be assessed and mitigated (§ 35.1521–3(f)). This provision was established in accordance with the President's urban policy announced on March 27, 1978, and EPA's Urban Initiative as implemented in portions of the Cost Effectiveness Guidelines found in subpart E, Appendix A of this Part.

The following steps have been taken in the Cost Effectiveness Guidelines as part of EPA's Urban Initiative: use of Bureau of Economic Analysis population projections (§ 8(a)), lower per-capita-per-day wastewater flow estimates (§ 8(b)(2)(b)), use of reduced flows as the measure for design capacity (§§ 8 (c) and (d)), reduction in the design period for interceptor sewers (§ 8(f)), reduction in the staging period for treatment plants (§ 8(e)), and new requirements for the location of facilities (§ 8(f)). These provisions will limit reserve capacity allowances for treatment works and, thus, reduce secondary environmental impacts resulting from growth and Federal subsidization of urban sprawl.

One commenter believed that the reference in § 35.1521–3(f) to Appendix A of subpart E of this Part required that the procedures for cost effectiveness analysis found in that Appendix had to be followed for all WQM plan elements. The regulations have been clarified to refer only to the provisions outlined above which are part of EPA's Urban Initiative.

One commenter believed that the regulations required that WQM plans contain regulatory programs to control the location, modification, and construction of facilities for urban stormwater management in all cases (§ 35.1521–4(e)). Regulatory programs are required in WQM plans only where they are considered to be the most practicable method of assuring that an effective urban stormwater control program is implemented (see § 35.1521–4(c)(2)). It should be noted that separate storm sewers (which convey urban stormwater runoff) may be considered a point source which must be regulated under the National Pollutant Discharge Elimination System (NPDES) permit program. If the storm sewer is located in a designated Bureau of Census urbanized area or is designated as a significant contributor of pollution, it is considered a point source (see 40 CFR Part 122).

Some comments questioned the requirement that no grant be awarded for any activity determined to be not in conformity with air quality State Implementation Plans (§ 35.1537–4(e)). This provision was included to ensure consistency between the WQM program and air quality planning programs for the benefit of overall environmental quality and to satisfy the requirements of section 176(c) of the Clean Air Act. The Agency is currently developing guidance in this area. It should be noted that it is already Agency policy that population projections used as the basis for State Implementation Plans shall coincide with projections developed in accordance with Cost Effective Guidelines.

Regulatory and Nonregulatory Nonpoint Source Control Programs

Many reviewers were concerned that the proposed regulations modified EPA policy on regulatory and nonregulatory approaches to nonpoint source control. EPA policy in this area is contained in Program Guidance Memorandum (SAM) 31. In order to eliminate confusion caused by language in the proposed regulations, the final regulations have been revised to be consistent with SAM 31 (§ 35.1521–4(c)(2)).

Evaluation, Certification and Approval of WQM Plans

Several commenters remarked that the requirement for 45 days notice and comment before a planning agency's public hearing on a proposed WQM plan was too long (see § 35.1523–2(a) and § 35.1507(b)). It was noted that many State laws would require only 30 days notice. This issue has been addressed in developing Part 25. Part 25 provides that generally a 45-day period is required but in special circumstances it can be reduced to not less than 30 (see 40 CFR 25.5(b)).

Several planning agencies stated that the requirement in the proposed regulations to submit a WQM plan 30 days after the planning agency's public hearing did not allow sufficient time to revise the plan to reflect public input. In response to these comments, we have increased the time period to 60 days (§ 35.1523–2(a)).

A significant number of comments were received on EPA's new policy of concurrent WQM plan review by the State and EPA. This policy provides that the 120-day period for State review and the 150-day period for EPA review begins on the same date. The purposes of concurrent review are to avoid delays caused by an open-ended State review period preceding EPA's review and to foster communication between States and EPA during the review process. Several commenters interpreted the regulations to provide that EPA's 150-day review period would follow the State's 120-day review period so as to total 270 days for review. A note has been added to the regulations to clarify "concurrent review" (§ 35.1523–3(d)).

Several commenters believed that the 120-day and 150-day review periods were too lengthy while others felt that they were too short. The Agency feels that this is a reasonable amount of time for thorough evaluation of plans and adequate public input. Where less time is needed for review, the process should be expedited by both the State and EPA. A provision has been added to the final regulations which allows the Governor and Regional Administrator to agree to reduce the certification and approval time limitations and review requirements for plan corrections and revisions of a minor nature (§ 35.1523–6(d)). A provision was also added to the final regulations allowing the Governor to request a 30-day extension where 120 days is inadequate to respond to public input (§ 35.1523–3(a)). EPA may extend its review time for the same amount of time as the State's extension (§ 35.1523–4(a)).

Some reviewers were concerned that no time period was specified for public comment following the Governor's public notice of the State's intended certification action. The final regulations require a comment period before certification action consistent with Part 25 (§ 35.1523–3(a)).

A number of commenters suggested that EPA include a provision in the final regulations for delegation of the Governor's authority. EPA recognizes that this approach may be desirable because of the heavy demands placed on the time of Governors and has added a provision for delegation of authority (§ 35.1521–5(a)).

The proposed regulations gave the Regional Administrator the authority to withhold State section 208 funds and relevant portions of section 106 funds for failure of the State to take certification action on a WQM plan in a timely manner. This provision was intended to provide an incentive for States to act promptly. We solicited comments on the alternative approach of considering State inaction to constitute certification. Some reviewers favored the alternative approach; others favored the provision published in the proposed regulations. Because of the importance of an active State role in reviewing plans, we have retained this provision in the final regulations (§ 35.1523–3(c)).

The new regulations provide special procedures for modifications of plans and EPA approval actions in two instances: (1) where later, better information becomes available; and (2) where the State makes changes in elements which it exclusively controls (for example, water quality standards) (§§ 35.1523–4(d) and 35.1523–6).

In response to comments from interstate agencies, procedures for concurrent review and certification by States of plans or portions from interstate planning areas have been added (§ 35.1523–3(b)).

Management Agency Designation

The proposed regulations specified that management agencies could not be designated to carry out regulatory responsibilities if a majority of the membership of the agency was from the regulated class. Numerous comments were received from conservation districts and others objecting to this requirement as being too restrictive. It was argued that this provision would disqualify a number of capable nonpoint source management agencies from participation in the WQM process. Numerous other comments were received that supported this provision.

Commenters opposed to the provision argued that the participation of the regulated class through membership in the management agency is necessary for effective regulatory nonpoint source control programs. Such participation provides management agencies with the necessary expertise for implementing programs and helps ensure the cooperation of members of the regulated class. The latter is particularly important, it was argued, because of the large number of persons affected by nonpoint source control programs, i.e., land owners.

We recognize that the expertise and cooperation of the regulated class through membership in management agencies may benefit a program. One example is the vital role that farmers have played on the boards of soil conservation districts. However, we are also aware that the financial interests of management agency officials who are members of the class that they regulate may interfere with objective decisionmaking and compromise the autonomy of a management agency. In order to better balance the competing considerations of cooperation and autonomy, the specific requirements regarding management agency membership have been eliminated. The regulations now provide that the Governor must assure management agencies with regulatory responsibilities have sufficient autonomy to effectively carry out their responsibilities (§ 35.1521–3(c)(3)). This provision considers the effect of the regulated class on the management agency's autonomy instead of using the rigid, overbroad membership criteria from the proposed regulations.

We received some comments expressing a concern that the requirement for a written letter of commitment from management agencies would duplicate existing requirements for written indications of commitment under programs and authorities other

than the WQM program. In response to those comments, we have added a provision to the regulations stating that these other indications may be accepted in lieu of letters of commitment (§ 35.1521-3(c)(2)).

Provisions for Withholding WQM Funding for Failure to Meet Program Requirements

The preamble of the proposed regulations announced an EPA sanctions policy for the WQM program under which all or part of funds under sections 106, 208, 314, and 205(g) of the Act can be withheld if a State or areawide planning agency fails to meet various program requirements. Some commenters objected to these provisions as being contrary to the spirit of cooperation that has been emphasized by the Agency in the past.

Through the WQM program, EPA encourages the development of programs to control water pollution through providing funding and technical assistance to States and interstate and areawide agencies. Grants and other federal assistance provided under the WQM program may best be described as incentives. The WQM program is a cooperative effort of all levels of government involved and the public. We have not changed this long-standing principle of the WQM program in these regulations.

The new provisions on withholding funds were included in the regulations to enable EPA to fulfill its role as steward of Federal funds. We must assure that funds are used to achieve the purposes for which they were awarded. If the funds are not being used to further these purposes, it may be necessary to withhold funds until satisfied that they will be appropriately used.

Several commenters were concerned that the regulations appeared to require the withholding of funds for one program (e.g., the clean lakes program) because of the failures of another "unrelated" program. In these regulations, we have consolidated a number of programs that used to function independently into a single, integrated WQM program. Most activities funded under the WQM program are interrelated and aimed at a common purpose—the achievement of the water quality goals of the Act. A failure of one activity may adversely affect the overall progress of other activities funded under an integrated WQM program toward the goals of the Act.

We realize that in many instances, it would not be appropriate for the Regional Administrator to withhold all funds for failure to meet a program requirement. We have, therefore, provided the Regional Administrator the authority to withhold all or part of the funds as appropriate in a particular case. This will allow the remedy to be tailored to fit the situation. There may be cases, however, where the Regional Administrator will decide to withhold all funds because a failure to meet a requirement adversely affects the progress of the overall WQM program conducted by the State or areawide planning agency. In all cases, the affected agency has an appeal right.

A number of reviewers requested that EPA include a separate provision authorizing the withholding of all EPA funding under the Clean Water Act from a State or area if an adequate WQM plan is not developed and implemented. We feel that such a provision is not necessary, because other provisions for withholding funds are adequate to ensure that the goals of the Act are achieved.

Sanction for Failure to Implement a Significant Portion of a WQM Plan

The regulations provide that after fiscal year 1979 a significant portion of an approved WQM plan must be implemented in order for the responsible WQM planning agency to be eligible for continuing section 208 grants (§ 35.1533-3(b)). Several commenters asked for a clarification of the meaning of "significant portion." In determining whether a significant portion is being implemented, the Regional Administrator should consider such factors as the degree of success in establishing new control programs according to plan requirements, whether adequate resources have been devoted to new and established control programs, and whether paragraphs (a) and (b) of § 35.1533-4 are being implemented. Further guidance will be issued on this requirement.

A number of other commenters stated that it was unfair to hold a planning agency responsible for the failure of management agencies to implement plans. The planning agency is responsible for involving potential management agencies in the development of plans in order to gain their support and cooperation. If WQM plans are not implemented, this frustrates the purpose of section 208 grants—the achievement of the water quality goals of the Act. When lack of implementation is frustrating this purpose, it is our responsibility as a steward of Federal funds to see that no further section 208 funds are awarded to the planning agency and see that they are instead given to agencies or used in areas that are capable of supporting and carrying out the WQM process.

Failure to Implement a Plan as a Basis for Determining that an Agency is not Entitled to the Public Trust and is Ineligible for EPA Funding.

The regulations provide that a planning or management agency that has failed to meet its implementation responsibilities and has lost its designation status as a result may be determined under § 30.340 of this Title to be not entitled to public trust and ineligible to receive funds under any EPA programs (§ 35.1533-3(a)). Several commenters objected to this provision because it was too broad in scope and too stringent. Because it is merely a cross-reference to EPA's general grant regulations, it has not been changed.

Relationship to the NPDES Program

Several commenters raised questions concerning the arrangements made for incorporating approved WQM plan provisions into National Pollutant Discharge Elimination System (NPDES) permits under section 208(e) of the Clean Water Act. This section of the Act prohibits the issuance of permits to dischargers which conflict with approved WQM plans.

One commenter had the following to say in regard to section 208(e): "Rather than creating a new class of permit conditions, section 208(e) authorizes only specific WQM plan indications of what permits would be 'in conflict' with it at the time it is certified and aproved." It is a long-standing policy of EPA to implement section 208(e) by requiring the incorporation of applicable WQM plan provisions, such as water quality-based effluent limitations, into NPDES permits (§§ 35.1533-4(a) and 35.1521-3(a)(2)(i)). It should also be noted that NPDES permit conditions developed in the WQM process must be incorporated into permits using the NPDES procedures found in Parts 122, 123 and 124 of this Title.

Another comment said that it was unacceptable for EPA to deny persons that want to protest NPDES permit conditions developed in WQM plans access to the appeal provisions for EPA-issued permits provided under 40 CFR Part 124 (§ 35.1521-3(a)(2)(ii)). Sections 301(b)(1)(C) and 510 of the Clean Water Act authorize states to include in NPDES permits requirements established under State law or regulations that are more stringent than those required by Federal law. In *U.S. Steel v. Train* 556 F2d 822, 10 ERC 1001

(7th Cir., 1977), the United States Court of Appeals for the Seventh Circuit held that EPA had no authority to consider the validity of such State requirements in an EPA hearing on a permit issued by EPA. Water quality-based effluent limitations in certified WQM plans are examples of such requirements. Because EPA cannot consider the validity of these requirements in any NPDES hearings under 40 CFR Part 124, it is inappropriate for EPA to provide for an appeal. Any procedures for appeals of such WQM plan provisions that may be necessary should be provided by the State.

Since the publication of these regulations in proposed form, we have clarified the State's responsibilities for providing individual sources with the opportunity to contest water quality-based effluent limitations or other permit conditions developed in WQM plans. We expressly state that States should, where appropriate, provide notice to dischargers and the opportunity to be heard on such conditions in addition to the opportunity to appeal. EPA NPDES procedures for notice and hearings are not available (§ 35.1521–3(a)(2)).

Several reviewers interpreted the proposed regulations to require the State to establish separate review and appeal procedures for WQM plan provisions that would duplicate existing State NPDES procedures. The intent of the Agency was to make clear that the State and not EPA was responsible for such procedures. EPA encourages the use of State NPDES procedures where they meet the needs of the WQM program. The provision has been rewritten to make it clear that EPA is not requiring duplicative procedures (§ 35.1521–3(a)(2)(ii)).

The regulations provide that the plan shall specifically identify any conditions to be included in NPDES permits (§ 35.1521–3(a)(2)(i)). This provision is intended to assure that NPDES permitting agencies, affected dischargers and the general public know which specific plan provisions must be included in permits.

EPA has published a notice identifying pollutants suitable for the development of total maximum daily loads under section 304(a)(2)(D) of the Act (see 43 FR 60662, December 28, 1978). The notice identifies all pollutants as suitable for total maximum daily load development under the proper technical conditions. Total maximum daily loads should be developed in accordance with these regulations (§ 35.1521–4(a)) and with procedures in the **Federal Register** notice.

Relationship to the Construction Grants Program

The regulations provide that a construction grant made under section 201 of the Act shall not be approved by the Regional Administrator after October 1, 1979, where sewage treatment facility-related information (waste load allocations, service area delineations, and population projections) is not available in an approved WQM plan (§ 35.1533–4(b)(1)). This provision of the WQM regulations restates requirements already established in the final construction grants regulations (see § 35.917(e) of this Part). One exception in the provision states that the Regional Administrator may award a section 201 grant if it is necessary to achieve water quality goals. A number of commenters said that allowing the Regional Administrator to approve section 201 grants on that basis creates an exception that undermines the sanction. We feel that there are adequate procedural safeguards that will prevent abuse of this exception. The Regional Administrator must determine in writing based on information submitted by the State or applicant that award of a section 201 grant is necessary to achieve water quality goals. This responsibility cannot be delegated below the Deputy Regional Administrator.

Water Quality Standards

The preamble of the proposed regulations stated that the water quality standards policy in the then current 40 CFR § 130.17 would probably be incorporated in Part 120 of this chapter. Since publication of the proposed regulations, the Agency has decided instead that § 130.17 will remain a part of these WQM regulations. Section 130.17 has, therefore, been republished without change as § 35.1550 of these regulations.

On July 10, 1978, EPA published an advanced notice of proposed rulemaking that proposed changes in EPA water quality standards policy (43 FR 29588, July 10, 1978). The incorporation of the requirements of superseded § 130.17 into these WQM regulations as § 35.1550 is unrelated to that notice. EPA may in the future publish a proposed revision to § 35.1550 that has taken into account comments received on the advanced notice of proposed rulemaking.

Significant Comments on Other Issues

Several reviewers questioned the inclusion of the State's construction grants project priority list in the State strategy. We have decided to delete that requirement, because the priority list is subject to frequent revisions. This does not, however, preclude a State from including the list in the strategy. The list is now required to be submitted as an output under the State's WQM work program. The State must submit a draft list by May 1 and a final list by July 15 of each year (§ 35.1533–4(b)(4)).

Several reviewers apparently confused the State project priority system with the State project priority list. The project priority system (a part of the CPP) consists of the methodologies and procedures used to develop the State project priority list (see § 35.915 of this Part for further clarification).

A provision has been added to the regulations stating that an integrated strategy covering more than one EPA program that is submitted under or as part of the State/EPA Agreement may be accepted in lieu of a separate WQM strategy if the Regional Administrator determines that the integrated strategy meets the requirements of the regulations (§ 35.1511–2(d)).

A provision has been added to the regulations that authorizes Indian tribes to designate themselves as planning agencies under certain specified conditions (§§ 35.1521–6 (b) and (c)).

Several commenters felt that the grant budget period should be the grantee fiscal year rather than the Federal fiscal year. We have retained the provision for most grants in order to assure maximum integration and coordination of the WQM program with others and compatibility with EPA's annual guidance system (§ 35.1537–13). Several other EPA programs, including those under the Safe Drinking Water Act and the Resource Conservation and Recovery Act, have similar requirements. Further, the section 106 program included the provision in the previous regulations so the requirement is not a new one for States (see superseded § 35.557). However, we have incorporated language with respect to section 208 assistance providing discretion to the Regional Administrator to use another budget period if it is more appropriate to the objectives of that assistance. The provision does not require any grantee to change its fiscal year; it only requires accounting capability to accumulate costs from October 1 of each year to September 30 of the next. Under these regulations, the Agency will begin using an annual funding cycle based on the Federal fiscal year for section 208 planning grants for the first time. Grants under section 208 will be awarded annually but may fund planning efforts lasting

more than one year. These regulations contain flexible deadlines that will allow a phased approach to funding activities under section 208 on an annual basis (§ 35.1513–4).

Several commenters noted the absence of a reference to procedures for complying with Office of Management and Budget Circular No. A–95. This oversight has been corrected by adding § 35.1537–4(h).

Comments were received by the Agency which objected to the provisions of the regulations stating that costs of detailed sewer system mapping and related surveys and costs related to sewage collection systems (at less than the trunk line level) are unallowable costs (§§ 35.1537–5 (b) and (c)). These provisions are existing policy and have been incorporated from § 35.216 of the superseded section 208 grant regulations to maintain a division of labor between the WQM program and section 201 facility planning.

One interstate agency interpreted the regulations to preclude the eligibility of interstate agencies to receive section 208 grant monies. The regulations define the term "WQM planning agency" in this subpart to include interstate agencies that are also designated (§ 35.1540(a)). The regulations also provide that interstate agencies funded under section 106 are subject to applicable requirements of this subpart on the same basis as a State agency (§ 35.1540(b)).

One commenter objected to the prohibition on the award of section 106 grants to States which do not have authority comparable to that in section 504 of the Act (Emergency Powers) and adequate contingency plans to implement that authority in accordance with EPA guidance (§ 35.1537–4(d)(2)). The commenter stated that it would take time for some States to obtain emergency authority and develop contingency plans and that EPA should not establish this linkage to section 106 funds via regulations. Guidance has been developed for implementing the provision which establishes a phased multi-year approach (see Program Guidance Memorandum (SAM) 35).

Editorial Changes

Throughout these regulations we have made editorial changes to simplify and clarify the language. We have also made some changes in the format of the regulations for the sake of clarity.

Agency "Sunset" and Evaluation Policy for Reporting Requirements

Under EPA's "sunset" policy for reporting requirements in regulations, the Administrator will review this subpart five years from the date of promulgation to determine if any reporting requirements should be terminated (§ 35.1542).

EPA is committed to evaluating this regulation five years from the date of publication. This evaluation will assess such factors as overlap of requirements, integration, alternative methods, enforceability, and reporting requirements.

Effective date: This subpart will be effective on May 23, 1979. Good cause exists for making these regulations effective immediately because of the need for these regulations to apply to fiscal year 1979 grant monies that are now being awarded to several planning agencies. Otherwise, the regulations will not take effect until the award of fiscal year 1980 grants for those planning agencies. In addition, these regulations should be made effective immediately, because State/EPA Agreements for fiscal year 1980 are now being negotiated and these regulations contain requirements for the WQM portion of State/EPA Agreements.

Dated: May 15, 1979.

Douglas M. Costle,

Administrator.

Part 35, Subpart G Added

Parts 130–131 [Deleted]

Title 40 of the Code of Federal Regulations is amended by deleting the existing Parts 130; 131; §§ 35.200 through 35.236; and §§ 35.551 through 35.570 and by adding a new subpart G to Part 35. Appendix A—Water Quality and Pollutant Source Monitoring—which followed the deleted 40 CFR § 35.570 is transferred to new subpart G of Part 35 without change. Subpart G reads as follows:

Subpart G—Grants for Water Quality Planning, Management and Implementation

35.1500 Purpose and scope.
35.1501 Applicability.
35.1502 Definitions.
35.1503 Program summary.
35.1505 Water quality goals.
35.1507 Public participation.
35.1509 Continuing planning process (CPP).
35.1509–1 General.
35.1509–2 State priority system.
35.1509–3 Failure.
35.1511 Assessments and state strategy.
35.1511–1 Water quality assessment.
35.1511–2 State strategy.
35.1513 WQM work program.
35.1513–1 General.
35.1513–2 Scope.
35.1513–3 Relationship to State/EPA Agreements.
35.1513–4 Development and submission.
35.1513–5 Major work elements.
35.1513–6 Content.
35.1513–7 EPA review and approval.
35.1513–8 Evaluation.
35.1515 State/EPA Agreement.
35.1517 Conflict resolution.
35.1519 Selection of 208 planning agencies.
35.1519–1 Status of existing planning agency designation.
35.1519–2 Changes in designation status.
35.1519–3 Delegation of planning activities.
35.1521 Water quality management planning.
35.1521–1 General.
35.1521–2 Relationship to work programs.
35.1521–3 Plan development requirements.
35.1521–4 Program areas.
35.1521–5 Planning responsibilities.
35.1521–6 Planning on Indian lands.
35.1523 Evaluation, certification, and approval of WQM plans and designation of management agencies.
35.1523–1 General.
35.1523–2 Plan evaluation.
35.1523–3 Plan certification; designation of management agencies.
35.1523–4 EPA approval.
35.1523–5 State adoption of WQM plans.
35.1523–6 Plan revisions.
35.1525 Reviewing plan applicability after approval.
35.1527 Evaluation of management agency performance.
35.1529 Change in management agency designation by States.
35.1531 Intergovernmental coordination and cooperation.
35.1531–1 General.
35.1531–2 Coordination and consolidation.
35.1531–3 Federal responsibility.
35.1533 Implementation.
35.1533–1 General.
35.1533–2 Funding.
35.1533–3 Remedies for failure to implement.
35.1533–4 Relationship to other programs.
35.1535 Allotments and reallotments.
35.1535–1 Allotments.
35.1535–2 Reallotments.
35.1537 Grant limitations and administration.
35.1537–1 Grant amount.
35.1537–2 Reduction of grant.
35.1537–3 Eligibility.
35.1537–4 Limitations on award.
35.1537–5 Allowable and unallowable costs.
35.1537–6 Audit.
35.1537–7 Adherence to budget estimates.
35.1537–8 Program changes.
35.1537–9 Payment.
37–10 Financial status report.
35.1537–11 Disputes under this subpart.
35.1537–12 Procurement and protests.
35.1537–13 Budget period.
35.1540 Interstate agencies.
35.1542 Termination of reporting requirements.
35.1550 Water quality standards.

Appendix A, Water quality and pollutant source monitoring.

Authority: Section 501(a) of the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*

Subpart G—Grants for Water Quality Planning, Management and Implementation

§ 35.1500 Purpose and scope.

This subpart establishes policies, program requirements, and procedures for water quality management planning and implementation under the Clean Water Act and for grants for such purposes under sections 106, 205(g), and 208 of the Act. This subpart supplements the general grant regulations set forth in Part 30 of this chapter. This subpart governs the continuing planning process under section 303(e) of the Act, and all State and areawide water quality management planning and implementation activities and related grants under sections 106, 205(g), and 208 of the Act.

§ 35.1501 Applicability.

(a) This subpart is applicable to all activities undertaken with grants awarded under this subpart after [date of publication of regulations].

(b) Planning under section 208 of the Act which is underway on [date of publication of regulations] shall continue to be governed by the earlier regulations superseded by this subpart, except that this subpart will apply in the following circumstances:

(1) This subpart applies to all plan evaluation, certification and approval procedures, and plan implementation.

(2) This subpart will apply to ongoing planning activities for which additional financial assistance is awarded under this subpart.

(3) This subpart may be applicable where the Regional Administrator determines, after consultation with the planning agency, that these regulations should apply to an activity in lieu of the earlier regulations.

(4) If the Regional Administrator determines it to be appropriate, after consultation with the planning agency, this subpart may be made applicable to activities undertaken to meet the requirements of conditional approvals of plans prior to [date of publication of regulations].

(c) This subpart is applicable to all changes in designation of planning agencies under section 208 of the Act which occur after May 23, 1979, or which had not yet been approved by that date.

§ 35.1502 Definitions.

(a) The term "the Act" means the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*

(b) The term "grants under section 205(g) of the Act", and variations thereof, means grants under section 205(g)(2) of the Act for non-construction grants purposes such as administration of approved programs under sections 402 and 404 and grants for administering the statewide program under section 208(b)(4) of the Act. The term does not include construction management assistance grants under subpart F of this chapter.

(c) Other definitions shall be as set forth in the Act (see, e.g., sections 212 and 502) and in the provisions where the defined term is used.

§ 35.1503 Program summary.

(a) *General.* This subpart consolidates requirements for State and interstate water pollution programs funded under section 106 of the Act, State and areawide waste treatment management and planning under sections 205(g) and 208, and other State activities under section 303 of the Act into a single integrated process called the Water Quality Management (WQM) process. The State describes the process for fulfilling its WQM responsibilities in a continuing planning process document, in accordance with section 303(e) of the Act.

(b) *WQM planning.* (1) States, and areawide agencies in designated areas, conduct WQM planning to achieve the 1983 goal of the Act, which is, where attainable, water suitable for swimming, fishing, and the protection of wildlife. They are required to have a plan identifying sources of pollution, the severity of the pollution, and control programs.

(2) Certified and approved WQM plans of State and areawide agencies provide a basis for the WQM process. Using the information and direction contained in the WQM plans, and other available information about needs and priorities, each State annually assesses current problems; updates a problem-solving strategy; develops and executes a work program to implement plan solutions and to carry out other WQM activities (such as plan revision); and evaluates performance. Each areawide agency goes through a similar process. One of the outputs the annual work program may address is additional planning needed to update the approved WQM plan or to fill in gaps in the plan. Plan refinements, when they are certified and approved, become part of the WQM plan and help direct subsequent WQM activities.

(c) *Public participation.* Public participation is fundamental to the success of the WQM process. The public participation regulations in Part 25 of this chapter apply to the WQM process. These regulations emphasize the need for informing and consulting with the public and require use of an advisory group.

(d) *Participants.* The WQM process is a cooperative effort of EPA and other Federal agencies, States, interstate and regional agencies, local governments, and the public. In most cases, the Governor has designated areawide agencies to plan in those areas where particularly complex water quality problems exist. The State conducts planning in areas outside the designated areawide areas and coordinates activities of areawide agencies. The State also may conduct nonpoint source planning on a statewide basis under section 208(b)(4)(A) of the Act. States and interstate agencies carry out a wide variety of implementation activities under sections 106 and 205(g) of the Act.

(e) *Annual work programs.* Each State annually prepares a work program identifying the specific planning and implementation activities the agency will undertake during the subsequent year with funds from sections 106, 205(g), 208, and, as appropriate, 314. Annual work programs are also developed by areawide agencies for activities funded under section 208, and by interstate agencies for activities funded under section 106. The priority problems which an agency addresses will vary, depending on the needs identified for the area.

(f) *State/EPA agreement.* The WQM process is one of several EPA programs which are covered by State/EPA Agreements negotiated each year between the Regional Administrator and the State. The Agreement identifies problems, objectives and priorities, describes coordination and integration among the covered environmental programs, and includes the annual State work program for WQM.

(g) *Implementation.* Implementation is the most important part of the WQM process, because only with successful implementation will water quality goals be achieved. Implementation of solutions to water quality problems involves many programs and agencies at all levels of government. Implementation may include construction of treatment works, regulatory or non-regulatory point and nonpoint source control programs, legislative initiatives, enforcement, and other activities to meet water quality goals. Not all implementation relates to the 208 plan per se; the State uses funds under section 106 of the Act to manage a wide range of WQM activities, including permit activities under title IV of the Act. Various remedies are available to

EPA to deal with failures in implementation.

(h) *Clean Lakes.* The clean lakes program under section 314 of the Act is part of the overall WQM process, and is subject to cooperative management by EPA and participating States under the State/EPA Agreement. Wherever feasible, the Regional Administrator shall require integration of clean lakes activities into the State's annual work program.

§ 35.1505 Water quality goals.

The water quality goals for navigable waters are:

(a) Those set forth in section 101 of the Act, including protection and propagation of fish, shellfish, and wildlife and provision for recreation in and on the water by 1983 wherever attainable; restoration and maintenance of the chemical, physical, and biological integrity of the Nation's waters; prohibition of toxic substances in toxic amounts; and elimination of discharge of pollutants by 1985;

(b) Achievement of water quality standards;

(c) Protection of public health and welfare; and

(d) Reduction of water pollutants from nonpoint sources to the maximum extent feasible.

§ 35.1507 Public participation.

(a) *Purpose.* The purpose of public participation in the WQM process is to inform the public about the process in a manner which will lead to their understanding and encourage their involvement. WQM activities should reflect public concerns and values, and strive for public support for program implementation.

(b) *Specific required actions.* All activities in this subpart shall be conducted in accordance with Part 25 of this chapter. Early in the process of developing the State strategy (see § 35.1511–2), the work program (§ 35.1513), the State/EPA Agreement (§ 35.1515), and WQM plans (§ 35.1521) under this subpart, each WQM agency shall notify the public about the proposed goals and scope of the proposed actions and shall schedule opportunities for consultation with the public and the advisory committee. Each agency shall establish a continuing program of providing information in accordance with Part 25. Where appropriate, fact sheets explaining in layman's terms proposed actions of the agency will be distributed in accordance with Part 25. Each WQM agency shall hold a public meeting on its draft annual work program. Each WQM planning agency shall hold a public hearing on its draft WQM plan. Other meetings may be required under this subpart in certain circumstances (see, for example, the requirement for a meeting in conjunction with a change in designation status under § 35.1519). Except as otherwise provided in Part 25, the public shall be notified at least 45 days in advance of any meeting or hearing. Agency responsiveness summaries shall be prepared after each meeting or hearing by the WQM agency of accordance with Part 25.

(c) *Combining actions.* Public participation activities under this subpart may be combined with other such activities undertaken by the assisted agency, to avoid duplication of effort. The State/EPA Agreement may identify opportunities for combined public participation activities affecting the WQM process and other EPA programs.

(d) *Advisory groups.* The State and each areawide agency shall establish an advisory committee to advise on goals and priorities; review and comment on grant applications and work programs; assist with public participation; consult with the agency throughout the WQM process; submit comments; raise issues; and monitor WQM activities. Advisory committees are to be set up in accordance with Part 25 of this chapter. Existing advisory committees shall be reviewed, and modified if necessary, in accordance with negotiations between the Regional Administrator and the WQM agency.

(e) *Work programs.* The work program of each agency receiving assistance under this subpart shall include a public participation work element in accordance with § 25.10. The work element shall identify staff and budget resources (including resources available to the advisory committee); set forth a schedule of public participation activities in relation to the required actions in paragraph (b) of this section; identify segments of the public targeted for involvement; describe the advisory committee membership in accordance with § 25.7; and identify how public participation will be coordinated with other related programs, in accordance with § 25.13.

§ 35.1509 Continuing planning process (CPP).

§ 35.1509–1 General.

Section 303(e) of the Act requires States to develop a continuing planning process document describing operating policies, procedures and practices that comprise the WQM process. The document shall be submitted for approval of the Regional Administrator. Any necessary revisions to the CPP description shall be developed as outputs of the State work program.

§ 35.1509–2 State priority system.

The CPP includes the State priority system (which produces the annual priority list) for construction grants, developed in accordance with § 35.915. The State priority system is the methodology used to rate and rank municipal wastewater treatment projects eligible for grant assistance under subpart E. Generally, such projects are those drawn from the needs survey under section 516(b) of the Act. The system also sets forth the administrative, management, and public participation procedures required to develop and revise the State project priority list under § 35.915(c).

§ 35.1509–3 Failure.

The CPP document describes the State WQM process. Therefore, a substantial failure of State WQM planning and implementation may indicate a deficiency in the CPP for which the Regional Administrator may withdraw approval of the CPP. Under section 303(e) of the Act, State failure to maintain an approved CPP constitutes grounds for withdrawal of National Pollutant Discharge Elimination System (NPDES) program approval. Further, if the Regional Administrator determines that the CPP, as implemented and revised, does not meet the requirements of the Act and this part, he or she may withhold grant funds available to the State under sections 106, 205(g), 208 and 314 of the Act. Disapproval of a portion of the CPP need not require disapproval of the whole CPP; for example, the priority system under § 35.1509–2 may be determined approvable by the Regional Administrator in spite of a failure of other portions of the CPP.

§ 35.1511 Assessments and State strategy.

§ 35.1511–1 Water quality assessment.

(a) *General.* WQM agencies shall conduct appropriate assessment activities in accordance with this section to produce information on (1) existing water quality conditions, and (2) the impact on water quality of future events, such as population changes, changes in land use, and changes in economic conditions. Both point and nonpoint pollution problems (including water conservation needs related to water quality) must be assessed. Intermittent and continuous violations of water quality standards must be

considered. Future assessment activities shall take into account the information and requirements contained in approved WQM plans.

(b) *Limitations.* (1) The Regional Administrator will approve funding only for assessment activities which the Regional Administrator determines will be highly useful and cost-effective in achieving the water quality goals of the Act. No funds shall be used to duplicate information already available from other sources, unless the Regional Administrator determines it necessary in order to meet program objectives (e.g., in relation to advanced waste treatment needs). All assessment activities must build on existing information. Existing information includes data developed under sections 3011 and 4005 of the Resource Conservation and Recovery Act, the identification and classification of freshwater lakes required under section 314 of the Clean Water Act, the estuarine reports required by section 104(n) of the Clean Water Act, monitoring data, and surface impoundment assessments under the Safe Drinking Water Act.

(2) Except where otherwise determined by the Regional Administrator, State assessment activities shall be funded only under section 106 of the Act.

(3) With the approval of the Regional Administrator, designated areawide agencies may conduct problem assessment for their planning areas as necessary to meet areawide WQM responsibilities. State problem assessment activities under sections 106 and 208 may be delegated under interagency agreement to areawide agencies.

(c) *Monitoring.* Each State is required by section 106 of the Act to conduct certain monitoring activities for surface and groundwaters (see § 35.1537–4). The nature of such monitoring will vary according to the needs and annual priorities identified in each State, and shall be addressed in the State's annual work program in accordance with guidance from the Regional Administrator. Other monitoring activities of State and areawide agencies shall be as agreed upon in the annual work program, within the limitations of paragraph (b) of this section. All monitoring activities supported with funds under this subpart shall be conducted in accordance with Appendix A.

(d) *Assessing current water quality.* Each State and areawide agency shall carry out an ongoing assessment of the location and nature of its point and nonpoint water quality and source control problems, and shall include in its assessment process the following:

(1) Monitoring under paragraph (c) of this section, including monitoring to determine the impact of nonpoint source pollution under sections 208(b)(2) (F) through (K) of the Act;

(2) Classification of stream segments in accordance with section 303(d)(1)(A) of the Act and EPA guidance, consistent with the needs assessment prepared under section 516(b) of the Act;

(3) An evaluation of the effectiveness of existing point and nonpoint source control programs in achieving water quality goals;

(4) Determination of the relative pollutant loading attributable to point and nonpoint sources; and

(5) Determination of the impact of air and other non-water environmental pollution sources on water quality.

(e) *Determining future water quality problems.* Each State and areawide agency shall assess potential point and nonpoint water quality problems, generally for a 20-year period in five-year increments. Establishment of population projections shall be in accordance with the procedures and requirements of the Cost-Effectiveness Analysis Guidelines (Appendix A to subpart E of this part). Unless otherwise approved by the Regional Administrator in order to develop a solution to a specific pollution control problem, no grant funds shall be expended for land use or economic projections except as those factors are addressed in developing population projections under the Cost-Effectiveness Analysis Guidelines.

(f) *305(b) report.* Each State must prepare and biennially update a report which meets the requirements of section 305(b) of the Act. This report should be based on the information developed under paragraphs (c), (d) and (e).

(g) *Clean lakes.* Wherever feasible, phase 1 diagnostic-feasibility studies for lakes will be carried out as part of the WQM assessment process.

§ 35.1511–2 State strategy.

(a) *General.* The State shall prepare and annually update as an activity under its work program a strategy for controlling water pollution problems from point and nonpoint sources. The strategy delineates priority water quality problems (in relation to the seriousness of pollution) and activities to control these problems in a five-year time frame. The strategy shall address the problems, solutions and priorities in certified and approved WQM plans; other problems identified in the assessment process; and needs identified during management agency performance evaluation. The strategy may be used to recommend revisions in WQM plans, and may be used to establish priorities for plan revision activities of areawide agencies. The strategy shall include:

(1) Goals for a five-year period, and estmated costs of activities to control priority water quality problems;

(2) An identification of governmental entities expected to be responsible for conducting the activities; and

(3) A summary of anticipated Federal and other funds for the strategy period.

(b) *Role of areawide agencies.* Since the State strategy is used in the Regional Administrator's review and approval of the areawide agency's work program (see § 35.1513–7), the State shall involve each affected areawide agency in development of the strategy, and shall consider priorities suggested by the areawide agency. The State shall forward a summary of areawide participation and State response to comments received from areawide agencies to EPA with the strategy.

(c) *Submission.* Each year, the strategy should be submitted to the Regional Administrator for review and comment in time to provide guidance in work program development and assistance in negotiating the State/EPA Agreement.

(d) *Integrated strategy.* An integrated strategy covering more than one EPA program submitted under the State/EPA Agreement may be used, if the Regional Administrator determines the integrated strategy meets the requirements of this section.

§ 35.1513 WQM work program.

§ 35.1513–1 General.

(a) The annual work programs of States and areawide agencies provide the basis for tying available Federal and non-Federal funds under this subpart to the purposes and requirements of this subpart, to achieve the water quality goals of the Act. They translate the requirements of this subpart, priorities identified elsewhere in the State/EPA Agreement, and the EPA annual guidance into specific output commitments. Work programs also contain the commitments for implementing and updating appropriate elements of certified and approved plans.

(b) The State work program shall be developed in a manner consistent with the CPP under section 303(e) of the Act (see § 35.1509). It shall address problems identified in the assessment process (see

§ 35.1511–1) according to the priorities established in the strategy (see § 35.1511–2). Although the work program is an annual submission, the Regional Administrator may allow outputs to be addressed on a multi-year basis (not to exceed three years) as long as the Regional Administrator determines that EPA oversight and evaluation capability remain unaltered. While the areawide work program is a separate submission, it must be closely coordinated with State efforts in accordance with the procedures in this subpart. The Regional Administrator shall review work programs of States and areawide agencies to assure that redundant outputs are not included.

(c) Under § 35.1540, the provisions of this section are also applicable to interstate agencies.

§ 35.1513–2 Scope.

State and areawide work programs shall identify outputs and associated funding within the appropriate work elements of § 35.1513–5. To the extent practicable, the Regional Administrator will assure that WQM agencies use common data bases, simplify and coordinate reporting, and eliminate conflict and redundancy among programs. Work programs shall meet the requirements of § 35.1531 concerning intergovernmental cooperation.

§ 35.1513–3 Relationship to State/EPA Agreements.

(a) The State/EPA Agreements (described in § 35.1515) will incorporate the State's WQM work program. EPA funding for the State's WQM work program shall be withheld by the Regional Administrator pending execution of the State/EPA Agreement, except as otherwise determined by the Regional Administrator under § 35.1515(a).

(b) Where the State/EPA Agreement contains an integrated work program covering the WQM process and one or more other environmental programs, it may be accepted in lieu of a separate work program submission under this subpart, if the Regional Administrator determines that it otherwise meets the requirements of this subpart.

(c) Areawide agencies' work programs are separate submissions. However, the State work program sets a policy framework for areawide agencies based on the State strategy, and should include priorities for areawide action and timing of major outputs. Approval of areawide work programs will not be delayed based on delay in approval of a State work program, unless the Regional Administrator determines that an unapproved element of the State's work program is critical to the effectiveness of areawide efforts.

§ 35.1513–4 Development and submission.

(a) State and areawide WQM agencies shall cooperate and communicate with each other during development of their work programs. Each State shall, early in the process of draft work program development (and generally not later than April 1 of each year) notify each areawide agency of the significant elements of the State's proposed policy framework applicable to areawide agencies. Areawide agencies shall inform the State of the proposed elements of their work programs early in the process of their development, and give the State an opportunity to review and comment during development.

(b) Each State and areawide agency shall develop a draft work program as early as feasible each year. Unless otherwise agreed by the Regional Administrator, the draft shall be submitted to the Regional Administrator not later than June 1 of each year. The Regional Administrator shall review the draft for compliance with the requirements of this subpart and provide comments to the applicant within 45 days of receipt.

(c) In addition, each areawide agency shall also submit its draft work program to the State for review and comment not later than June 1 of each year, unless the State and the Regional Administrator agree to a different date. The State should review and comment on its adequacy and its compatibility with the State's strategy and work program (and the State/EPA Agreement), and the approved State WQM plan, within 30 days of receipt of the agency's draft work program. If the State has any comments, it shall submit them to both the areawide agency and to EPA.

(d) Unless otherwise agreed by the Regional Administrator, each State and areawide agency shall submit a final work program to the Regional Administrator by September 1 of each year. Each areawide agency shall provide a copy of its final work program to the State.

§ 35.1513–5 Major work elements.

(a) *General.* EPA will provide annual guidance (see § 35.404 of this chapter) identifying matters which States and areawide agencies should emphasize within the program elements listed below. Each work program shall be free from redundant or inconsistent outputs; common outputs (i.e., funded from more than one program) may be developed.

(b) *Areawide agencies.* Areawide agencies have the right to receive grants directly from EPA. However, nothing shall preclude a State and areawide agency from agreeing to pass grant funds through the State to the areawide agency. Grants to areawide agencies under this subpart are only for WQM planning under section 208 of the Act. In addition, however, such agencies may receive funds from the State, under interagency agreement, to perform specific activities on behalf of the State under sections 106, 205(g), 208, and 314 of the Act; such activities remain the responsibility of the State and are not outputs for which the areawide agency is directly accountable to EPA. Areawide agencies similarly may receive funds from other substate agencies; for example, section 201 funds to perform facilities planning activities.

(c) *State agencies.* With approval of the Regional Administrator after negotiation with the State, the State may receive funding under this subpart for the following elements (potential funding sources shown in brackets):

(1) Construction grants management (to the extent not funded under subpart F), development of the fundable and extended portions of the project priority list for construction grants under § 35.915 of subpart E, and management of pretreatment programs [106, 208 as appropriate].

(2) Administration of permits programs, including programs under sections 402 and 404 of the Act [106, 205(g)].

(3) WQM planning and certification [primarily 208; 106 where the Regional Administrator determines appropriate; 205(g) for development of the 208(b)(4) program].

(4) Water quality standards development, review, and revision [106].

(5) Wasteload allocation development, review and revision [106].

(6) Nonpoint source management activities [106].

(7) Monitoring and assessment [106, 208, 314].

(8) Enforcement (including compliance assurance and litigation support activities) [106].

(9) Training and facilities operation and maintenance [106].

(10) Emergency response programs [106].

(11) Program evaluation [106, 208].

(12) Administration of regulatory and other water quality control programs [106].

(13) Planning for and coordination with section 208(j) programs [106, 208].

(14) Program administration [106, 205(g), 208].

(15) Public participation [106, 205(g), 208].

(16) Phase 1 and 2 activities for clean lakes [314].

§ 35.1513-6 Content.

The work program shall contain the following:

(a) A summary and evaluation of the current year's program, including outputs produced and those not completed.

(b) Identification of the outputs to be produced under each appropriate program element in § 35.1513-5, and, within each element, the person-years to be used; the costs; the funding source(s); milestones for completion of the output; a disbursement schedule; and the agency(ies) responsible.

§ 35.1513-7 EPA review and approval.

(a) Each agency's work program shall be forwarded to the Regional Administrator in accordance with the schedule in § 35.1513-4. Grants shall be awarded only upon approval of the work program (see § 35.1515(a) for relationship of grant awards and State/EPA Agreement execution). The Regional Administrator may award a grant under this subpart with special conditions if the work program requires minor changes. In such an event, the Regional Administrator shall advise the agency of deficiencies in the work program and revisions which must be made to obtain approval. The grant agreement shall include a statement of such deficiencies and a schedule for making the corrections.

(b) The Regional Administrator shall not approve an areawide agency's work program if, based on the Regional Administrator's review and advice from the State, the Regional Administrator determines that the work program is incompatible with the State strategy, State/EPA Agreement or EPA guidance.

(c) The Regional Administrator shall review the work program of each agency to determine if it meets the requirements of this subpart, and to determine the feasibility of achieving expected results in relation to the nature of the water quality problems, authority, organization, and past performance of the agency(ies) involved, and their available resources.

(d) The Regional Administrator may withhold approval of a work program or portion thereof for any agency which has had its WQM plan or portion approved with conditions if the agency is not moving as rapidly as possible to fulfill the conditions.

§ 35.1513-8 Evaluation.

It is EPA policy to limit EPA evaluation to that which is necessary for responsible management of the national effort to control pollution. EPA shall hold meetings to review and evaluate State and areawide programs as follows:

(a) *Mid-year evaluation.* At an appropriate mid-point in the program year, EPA shall conduct an evaluation meeting with each State and areawide agency to review and evaluate the program accomplishments of the current budget period under the work progam and to discuss the work projected for the coming year. Evaluation meetings may cover more than one agency.

(b) *Other reviews.* EPA may conduct an end-of-year evaluation meeting with appropriate State and other officials to review the accomplishments of the program year, and such other reviews as are deemed appropriate.

(c) *Reports.* EPA shall prepare a written report of each evaluation, forward a copy to the grantee (and the State, where the grantee is an interstate or areawide agency), and notify the public of the report's availability.

§ 35.1515 State/EPA Agreement.

(a) *General.* The State/EPA Agreement, which includes the State's WQM work program, integrates planning, management, and implementation of all EPA programs which the State and the Regional Administrator include under the requirements of this chapter. In addition, the Agreement reflects appropriate coordination with other Federal, State, regional, and local planning programs affecting or affected by the activities under this subpart. The State/EPA Agreement must be completed prior to any grant award under this subpart; however, the Regional Administrator may permit grant award in advance of completion of the State/EPA Agreement if the Regional Administrator determines that delay would not be in the best interests of sound environmental management and that the activities for which funding would be awarded have been adequately coordinated with the State's other environmental programs. The State/EPA Agreement shall be developed in accordance with EPA guidance.

(b) *Role of areawide agencies.* For areawide agencies, the State's work program sets a policy framework based on the State strategy, and should include priorities for areawide action and timing of major outputs. Because of the importance of their role, areawide agencies shall be involved in development of all relevant aspects of the Agreement. Comments of the areawide agencies (if any), the State's responses, and a brief summary of the participation of areawide agencies in development shall be forwarded to EPA with the draft Agreement. Nothing shall preclude the right of the areawide agency to submit comments directly to EPA.

(c) *Grant Agreements.* To avoid duplication, the portions of the State/EPA Agreement relevant to WQM should be included in the narrative portions of the applications for grant funds under this subpart.

§ 35.1517 Conflict resolution.

(a) The State shall assure that procedures exist at State and substate levels for resolving conflicts among the State, areawide agencies, local governments, potential and designated management agencies, and other agencies affected by the WQM process. Such procedures should include existing conflict resolution mechanisms established by State and areawide agencies.

(b) The State shall submit a brief written description of such procedures to the Regional Administrator as an output of the FY 1980 work program.

(c) Nothing shall preclude the right of any agency to request EPA comment or review, after exhausting available procedures at the State or other appropriate substate level of government. All agencies, and members of the public, have the right to submit comments to EPA. However, no action taken by the State or any other agency under the conflict resolution procedures established in accordance with this section shall be appealable within the terms of subpart J (Disputes) of Part 30 of this chapter. Disputes in procurement actions of assisted agencies are governed by Part 33 of this chapter.

§ 35.1519 Selection of 208 planning agencies.

§ 35.1519-1 Status of existing planning agency designation.

Designated State and areawide planning agencies shall retain designated status unless changed in accordance with this section. While 208 planning funds will be awarded only to designated agencies, designation does not automatically entitle any agency to funds. An agency must meet all requirements of this subpart to become or continue to be eligible for funding.

§ 35.1519-2 Changes in designation status.

(a) *General.* (1) As of [date of publication of the final regulations],

virtually all areas of the United States are covered by 208 planning by existing State or designated areawide agencies. Generally, therefore, it is not necessary for Governors to designate new areawide planning agencies, since a change in planning responsibility usually can be accomplished through a transfer of responsibility to an existing agency. With EPA approval, the Governor may:

(i) Designate a new State planning agency to replace the existing State planning agency;

(ii) Designate a new areawide planning agency under section 208(a) of the Act for an area previously administered by the State (note paragraph (a)(6) of this section);

(iii) Designate a replacement areawide planning agency under section 208(a) of the Act for an existing designated agency in a planning area;

(iv) Remove the designation from an existing area and agency, thereby replacing it with the State planning agency (note paragraph (b)(6) of this section);

(v) Alter the boundaries of existing planning areas.

(2) For approval by the Regional Administrator, a change in designation must meet the requirements of this section and:

(i) The Governor, with concurrence of the Regional Administrator, must determine that the objectives of section 208 of the Act can be met more efficiently and effectively by the change in designation;

(ii) The Regional Administrator must determine that the procedures in (b) below have been followed; and

(iii) The Regional Administrator must approve the replacement agency.

(3) Action by the Governor to change designation status will not relieve the Governor of responsibility to take action on completed plan elements of the replaced agency in accordance with § 35.1523.

(4) The Governor must assure that the replacement agency makes maximum feasible use of any work of the replaced agency, and the replacement agency must undertake completion of key elements of work in accordance with a work program negotiated with the Regional Administrator (see § 35.1521-5(b)(4)).

(5) The Regional Administrator may withhold part or all of funds available to the State under this subpart if he determines that a State is in violation of any requirement of this section.

(6) Designation of new areawide planning agencies for areas previously administered by the State shall be subject to the procedural requirements of this section and any additional procedures the Regional Administrator and the State agree are appropriate to meet the intent of section 208(a)(2) of the Act. Generally, designation changes should not be made where delegation of specific responsibilities through interagency agreement can accomplish the desired objective. Preference should be given to replacement agencies and delegees which have planning responsibilities in other Federal, State, regional, and local environmental and land use planning programs.

(b) *Procedures.* (1) The Governor shall propose any change in area or agency designation in a written statement, which shall contain the reasons for the proposed change, the impact on applicable time schedules and achievement of program requirements, and the identification of a proposed replacement agency or change in planning area boundaries. This statement shall be sent to the Regional Administrator, to the head of the affected agency and its advisory committee, and to the chief elected officials of general purpose governments in the affected area.

(2) The State shall hold a public meeting in the affected area if the State or EPA determines that substantial public interest exists. The meeting may be combined with other relevant meetings or hearings (e.g., the hearing on plan certification). Advance notice of the meeting shall be given in accordance with Part 25 of this chapter. The State shall submit an agency responsiveness summary to the Regional Administrator.

(3) The Regional Administrator shall approve the designation change if the Regional Administrator determines that the proposed change is consistent with (a) of this section and that the proposed replacement agency has the authority, capability (including resources) and willingness to undertake its responsibilities.

(4) If an agency change is due merely to an agency reorganization or name change, the Regional Administrator may modify or waive the procedures in this section as appropriate.

(5) In the case of a proposed change in a designated agency which is also an interstate agency, the Regional Administrator shall require the relevant procedures above for the appropriate States and any additional procedures which the Regional Administrator considers appropriate in the circumstances.

(6) State assumption of nonpoint source planning responsibilities under section 208(b)(4)(A) of the Act may be accomplished in lieu of the procedures in this section by specific statement in the State's work program as approved by EPA. In such an event, the State shall notify in advance the affected areawide agency of the proposed action, and shall consider the comments of such agency in developing the portion of the work program which sets forth the nonpoint source planning which the State will perform.

(c) *Grant funds.* Generally, as soon as the Regional Administrator determines that an agency may lose its designation, and if unexpended grant funds remain, the Regional Administrator should issue a stop-work order under § 30.915 of this chapter. A stop-work order is not needed where the agency to be replaced is allowed by the Regional Administrator to complete its assigned tasks. Upon designation change, the Regional Administrator shall either transfer the grant under § 30.900-3 of this chapter to the approved replacement agency, or terminate the grant under § 30.920 of this chapter and provide part or all the funds released to the approved replacement agency. The final decision of the Regional Administrator may be appealed in accordance with § 30.920-5.

§ 35.1519-3 Delegation of planning activities.

Designated State and areawide agencies may delegate (through interagency agreements) specific planning activities, but not ultimate responsibilities for planning, to other State, Federal, regional, local, and interstate agencies for the conduct of work under this subpart. Delegation shall take place through a written agreement executed by the two agencies, subject to the approval of the Regional Administrator, specifying outputs, time schedules, funding, and how the agencies will coordinate. If a State or areawide agency intends to delegate any major planning activities under this paragraph, locally elected officials of governments having jurisdiction in the affected area shall be consulted prior to execution of the agreement.

§ 35.1521 Water quality management planning

§ 35.1521-1 General.

WQM planning shall be conducted as an activity under the work program by States under sections 208 and 303(e) of the Act and by areawide agencies under section 208 of the Act. WQM plans will address problems identified in the assessment and strategy development process under § 35.1511. WQM plans

must indicate recognition that ground waters and navigable waters intermix. Assessment activities funded under section 208 shall be reflected in the plan. The term "WQM plan" as used in this regulation refers to the plan (and portions) and subsequent revisions and additions prepared in accordance with section 208(b) of the Act. WQM plans, once certified and approved under § 35.1523, are a basis for future activities under this subpart. Initial plans must be completed and certified by the times specified in section 208(b)(1) of the Act. EPA will not support planning for planning's sake; therefore, WQM plans shall be updated only as the Regional Administrator determines necessary to resolve specific pollution control problems.

§ 35.1521-2 Relationship to work programs.

(a) All planning activities of State and areawide agencies under this subpart are defined in the work program under § 35.1513. While funding generally will be available on an annual basis, the approved work program may include planning products which will be developed on a multi-year basis. Multi-year outputs generally shall be evaluated on an interim basis under § 35.1513.

(b) To be eligible for grant funds for planning under section 208 of the Act, each State and areawide agency shall submit, as part of its work program, specific proposed outputs under §§ 35.1521-3 and 35.1521-4. WQM planning must eventualy address all program areas (see § 35.1521-4), except where the State certifies for a certain program area that water quality and source control problems do not exist and are not likely to develop. The Regional Administrator shall negotiate with each WQM agency to determine activities which will have priority for funding in each year, in accordance with annual EPA guidance. The Regional Administrator shall not approve funding for any output unless the Regional Administrator determines that it is consistent with section 208(b) of the Act and attainment of water quality goals.

§ 35.1521-3 Plan development requirements.

WQM plans shall be developed and revised as needed to address point and nonpoint program areas discussed in § 35.1521-4 in accordance with the following process:

(a) *Control needs.*—(1) *General.* The planning process shall identify pollution control approaches for the program areas discussed in § 35.1521-4, evaluate them, and select one or more which are determined to be effective to achieve water quality goals and the purposes of section 208(b)(2) of the Act. The plan shall describe the foregoing. The plan shall set forth for each control approach selected an implementation schedule and an identification of proposed management agencies. In carrying out these activities, the planning agency must consider the relationship of water quality to land use and water resources.

(2) *Permit conditions.* (i) The plan shall specifically identify any conditions to be included in NPDES permits pursuant to sections 208(e) and 301(b)(1)(C) of the Act (e.g., water quality based effluent limitations).

(ii) The State is responsible for providing each affected source with notice and the opportunity to be heard and appeal applicable plan provisions, where appropriate. No EPA hearing and appeal procedures are available for such conditions.

(b) *Regulatory and other programs.* (1) The plan must identify regulatory or other programs to implement the controls selected under § 35.1521-3(a). Existing regulatory programs should be used where effective. Where adoption of a new program or modification of an existing program is needed, the plan must describe the needed changes and include a schedule for their accomplishment. Any EPA approval of such programs will be conditional until the changes are completed.

(2) For each regulatory program, the plan shall identify the needed attributes, including legislative requirements; financing, staffing, and other administrative arrangements; and inspection, enforcement, and surveillance authority. Nonregulatory programs shall have adequate administrative arrangements, financing, appropriate public education programs, technical assistance and evaluation capability. For additional criteria, see § 35.1521-4.

(c) *Management agencies.* (1) The plan shall identify a specific management agency to implement each of the plan's programs. Each identified management agency shall have adequate authority under Section 208(c) of the Act and capability to fulfill the responsibilities which the plan assigns to it. If a proposed management agency is intended to receive Federal construction grant funding assistance, it shall meet the requirements of section 208(c)(2) of the Act and applicable requirements of subpart E. For each major suggested management agency (those which have primary responsibility for controlling a pollution source), the plan shall briefly set forth the agency's legal authority; a description of the administrative and financial capability which the agency must have; appropriate reporting procedures; methods for coordination with the planning agency; and a description of the specific implementation responsibilities of the agency.

(2) Each major management agency, in cooperation with the planning agency, shall forward to the Governor and the Regional Administrator with the plan a letter of commitment which will acknowledge the management agency's acceptance of responsibilities and time schedules assigned to the management agency by the plan. Other indications of commitment to fulfill assigned responibilities (e.g., State law, regulations or Executive Order) may be accepted in lieu of this letter.

(3) The Governor shall assure that each management agency which has regulatory responsibilities has sufficient autonomy and regulatory authority to carry out its responsibilities effectively and on time. In determining whether sufficient autonomy exists, the Governor and the Regional Administrator may use as guidance the provisions applicable to conflicts of interest in the NPDES program (see § 124.94 of this chapter). During evaluation of management agency performance under § 35.1527, the Regional Administrator may withdraw acceptance of a management agency designation and request the Governor to designate a new agency, or take other corrective action, if the regional Administrator determines that the effectiveness of the management agency is inhibited by lack of sufficient autonomy.

(d) *Environmental, social, and economic impacts.* (1) The plan shall assess environmental, social, and economic impacts of implementing plan provisions. The environmental impact statement provisions of section 102(2)(C) of the National Environmental Policy Act do not apply to the WQM planning process or plan certification and approval.

(2) Plan development shall be coordinated with promulgated or approved State Implementation Plans under the Clean Air Act and be consistent with Executive orders for floodplain management (E.O. 11988) and wetlands protection (E.O. 11990), published agency policy and procedures for protection of environmentally sensitive areas such as floodplains and agricultural lands, and other applicable environmental requirements cited in Part 30 of this chapter.

(e) *Open space and recreational opportunities.* The plan shall contain an analysis of open space and outdoor recreational public benefits expected to be achieved under the plan. The plan shall consider recreational use of lands associated with treatment works and increased access to water based recreation. The plan must identify measures which have been and will be taken to enhance open space and recreational opportunities through coordination with facilities planning and State and local recreational programs (e.g., State outdoor recreational programs under the National Wild and Scenic Rivers Act (Pub. L. 90-542) and the Land and Water Conservation Fund Act (Pub. L. 88-578).

(f) *Urban impacts.* To assure consistency with the President's urban policy and the EPA Urban Initiative, as implemented in appropriate portions of Appendix A, subpart E, the plan shall assess the impact of plan provisions on urban development and contain measures for mitigation of adverse impacts.

(g) *Coordination.* WQM planning activities shall be coordinated with other programs related to WQM in accordance with § 35.1531. The WQM planning agency shall involve potentially affected agencies including general purpose units of local governments, proposed and designated management agencies, and other affected State and Federal agencies (e.g., recreation, air, solid waste, drinking water, and fish and game offices).

(h) *Plan evaluation and revision.* The plan shall contain provisions for evaluating the effectiveness of plan implementation (e.g., application of nonpoint source controls) in achieving water quality goals and identifying program needs. Provisions shall be made for revising WQM plans as necessary to achieve those goals. The assessment process under § 35.1511-1 will be a principal means of conducting the evaluation.

§ 35.1521-4 Program areas.

Section 208(b) of the Act sets forth planning requirements. This section calls particular attention to aspects of certain program areas the planning must address. The following point and nonpoint program areas shall be addressed in the plan development and revision process described in § 35.1521-3 in accordance with priorities identified under § 35.1511-2.

(a) *Total maximum daily loads, wasteload allocations.* States shall develop total maximum daily loads and wasteload allocations in accordance with priorities established under section 303(d)(2) of the Act consistent with EPA guidance. Areawide agencies shall perform this activity only where delegated under interagency agreement between the State and areawide agency.

(b) *Dredged or fill programs.* The State may develop programs for the control of the discharge of dredged or fill material under section 208(b)(4)(B) of the Act.

(c) *Nonpoint source control.* (1) The plan shall describe the regulatory and non-regulatory activities and Best Management Practices (BMPs) which the agency has selected as the means to meet its nonpoint source control needs. BMPs to achieve water quality goals for surface and ground water quality and source control problems shall be identified for the nonpoint sources in section 208(b)(2)(F)-(K) of the Act and other nonpoint sources found to be a problem. BMPs are those methods, measures, or practices to prevent or reduce water pollution and include but are not limited to structural and nonstructural controls, and operation and maintenance procedures. BMPs can be applied before, during, and after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters. Ecomonic, institutional, and technical factors shall be considered in developing BMPs. BMPs shall be developed in a continuing process of identifying control needs and evaluating and modifying the BMPs as necessary to achieve water quality goals (see § 35.1521-3(h)). To the extent practicable, BMPs should be set forth in a document which can be distributed widely in the planning area.

(2) Regulatory programs shall be identified where they are determined to be the most practicable method (considering economic, technical, social and environmental factors) of assuring that an effective nonpoint source control program is implemented. Nonregulatory programs will be approved only where the plan provides a sound basis for determining that they will result in the achievement of water quality goals. If, after a period of implemention, a nonregulatory program is determined by EPA or the State not to be effective, the WQM agency shall develop a regulatory program.

(3) Under section 208(b)(4)(A) of the Act, States may assume responsibility for identifying nonpoint source control needs and developing control programs in designated areas (see § 35.1519-2(b)(6)).

(d) *Municipal and industrial needs.* (1) under § 35.915(b) of subpart E, section 208(b)(2)(A) and section 516(b) of the Act, the State is responsible for listing wastewater treatment facility needs, in accordance with EPA guidance distributed for use with the needs inventory. All wastewater treatment facility needs specified in certified and approved WQM plans shall be included in the State needs inventory. The State's development of its needs inventory may be conducted as part of its WQM planning or as an output funded under section 106 of the Act. WQM planning agencies shall assess treatment facility needs in accordance with guidance of EPA and the State.

(2) Establishing priority lists for construction grants is a State responsibility. Priority lists are developed annually by States, generally with funding under section 106 of the Act, and are not part of the WQM plan. However, the State may use its WQM plan and planning process during development of the priority list, as long as the requirements of § 35.915 are met. The roles of State, interstate and areawide planning agencies are discussed further in § 35.1533-4(b)(3).

(3) The plan shall set forth information appropriate to support subsequent facility planning (including information on location, modification, construction, operation and maintenance of municipal facilities, suggested regional approaches, and population data developed in accordance with § 35.1511-1(e)). The plan should also propose approprite regulatory or other programs to support wastewater facilities operation and maintenance and municipal water conservation.

(4) The plan shall set forth approaches (including any appropriate regulatory programs) to improve operation and maintenance of industrial wastewater facilities, and develop pretreatment programs under Part 403 of this chapter.

(e) *Urban stormwater.* The plan shall identify BMPs for urban stormwater control to achieve water quality goals. Appropriate regulatory programs to control the location, modification, and construction of facilities for municipal stormwater management must be identified (see § 35.1521-4(c)(2)). Fiscal analysis of the necessary capital and operations and maintenance expenditures must be included.

(f) *Residual waste control, land disposal.* The plan shall identify waste disposal needs, including BMPs, to protect water quality standards and ground water quality. Relationships of residual waste disposal needs to wastewater treatment facility needs

(e.g., toxic solid waste disposal and land treatment) shall be described. The plan shall describe coordination of activities under WQM planning and the Resource Conservation and Recovery Act. Appropriate regulatory programs to control the location, modification, and constrution of facilities for residual waste disposal and other program needs shall be established to achieve water quality goals. States may assume nonpoint source responsibilities from areawide agencies under this paragraph in accordance with section 208(b)(4)(A) of the Act.

Note: Control needs for waste disposal to protect surface and ground water from land disposal of solid waste and from hazardous waste are identified in programs under Subtitles C and D of the Resource Conservation and Recovery Act (RCRA). To avoid redundancy and inconsistency, the Regional Administrator and the State shall establish (through the State/EPA Agreement) the planning and funding responsibilities attributable to the RCRA and WQM programs. The division of responsibilities shall be in accordance with EPA guidance.

(g) *Water quality standards.* WQM agencies shall review State water quality standards and make any appropriate recommendations in their plans on revising such standards to meet water quality goals. The State shall consider the recommendations in the review and revision of standards under § 35.1550.

(h) *Water Conservation.* Where appropriate, the plan should identify water conservation needs and practices to achieve and maintain water quality standards and to ensure efficiency in municipal wastewater treatment.

§ 35.1521-5 Planning responsibilities.

(a) *Governor.* The responsibilities of the Governor (or his designee) include:

(1) Assuring that adequate WQM planning consistent with this subpart is conducted throughout the State to control point and nonpoint pollution to meet water quality goals.

(2) Taking action necessary to correct a failure in planning of a State or areawide agency by promptly designating a replacement agency or otherwise assuring production of required planning products.

(3) Promptly taking any actions required under § 35.1523-3 and § 35.1529.

(b) *State.* The responsibilities of the State planning agency, and of any other appropriate State agency designated by the Governor, include:

(1) Reviewing and commenting on draft areawide work programs in accordance with § 35.1513-4.

(2) To the maximum extent feasible, acting as a resource for areawide planning agencies, providing them with technical assistance, and information on BMPs and pollution control technologies.

(3) Performing planning for nondesignated areas under section 208 of the Act and planning for which the State is responsible in designated areas.

(4) If designated by the Governor, promptly assuring completion of necessary additional planning following designation change. In such an event, the uncompleted work program of the replaced agency and related funding shall be examined and modified as determined by agreement between the successor agency and the Regional Administrator, consistent with the objectives of the Act.

(5) Management agency evaluation in accordance with § 35.1527.

(c) *Areawide agencies.* Each areawide agency shall prepare and submit an areawide WQM plan, shall revise the plan as necessary, and shall carry out all responsibilities assigned to it under any grant agreement, its approved work program, and any agreement with and guidance from the State, consistent with this subpart.

(d) *Local government involvement.* WQM planning agencies must assure that affected local governments are involved in WQM plan development. Therefore, no grant will be awarded under this subpart to a State or areawide planning agency unless the Regional Administrator is satisfied that adequate provisions have been made for such local government involvement (including the participation of appropriate local elected officials).

(e) *Failure.* Failure to meet any of the requirements of this section may result in withholding of all or part of grant funds available under sections 106, the nonconstruction related portion of 205(g), 208, or 314 of the Act and disapproval of the CPP under § 35.1509-3. 201 funds may be withheld in the circumstances described in § 35.1533-4(b).

§ 35.1521-6 Planning on Indian lands.

(a)(1) To the maximum extent feasible, States and areawide agencies shall coordinate with Indian tribal organizations within and adjacent to their planning areas in the development of WQM plans. Where appropriate, the Regional Administrator shall work with the State and Indian Tribe to ensure development of WQM planning on Indian lands. The WQM planning area should include all lands within the reservation regardless of ownership. Where the State finds it is unable to deal with an Indian tribal organization through designation or interagency agreement, the State and the Regional Administrator may agree to allow EPA to use a portion of 208 funds which the State would otherwise receive to support a cooperative agreement between EPA and the Indian Tribe to accomplish 208 tasks on Indian land.

(2) The State shall review the Indian Tribe's work program and work outputs for consistency with State and adjacent areawide agency work. Where the Governor determines that he or she has no authority to take action on Indian tribal plans under § 35.1523, the Governor shall, at a minimum, review and comment on the plan submission and provide his or her comments to EPA. All WQM plans for Indian lands shall be submitted to EPA for review and approval.

(b) If the State has no objection, an Indian Tribe may submit a self-designation application to EPA for approval under section 208(a)(4) of the Act.

(c) In addition, where the Regional Administrator after consultation with the State determines that a State lacks authority to carry out effective WQM planning and implementation on Indian lands, the Regional Administrator may approve a self-designation application by the Indian organization, if he or she is satisfied that:

(1) Other efforts for cooperative State/Indian effort have been unsuccessful; and

(2) The Indian tribal organization has the authority and capability to undertake effective WQM planning; and

(3) Planning by the Indian Tribe will result in implementation action to achieve water quality goals and be compatible with WQM planning outside the reservation.

(d) Except as otherwise approved by the Regional Administrator, modifications of existing areawide agency or area designations necessary to accommodate self-designation shall be in accordance with § 35.1519.

§ 35.1523 Evaluation, certification, and approval of WQM plans and designation of management agencies.

§ 35.1523-1 General.

The terms "certify" and "certification" mean the finding by the Governor that a State or areawide WQM plan or portion meets the criteria in § 35.1523-2(b). EPA approval constitutes the finding by the Regional Administrator that the plan meets those criteria. State certification is a prerequisite for EPA approval.

Failure of the State to take action within the time specified in § 35.1523–3(a) will result in EPA action as specified in § 35.1523–3(c).

§ 35.1523–2 Plan evaluation.

(a) *Review and submission of WQM plans.* In accordance with Part 25 of this chapter and § 35.1507, each planning agency shall hold a public hearing on its proposed plan and solicit comments from the public, the advisory committee, the State, EPA, and agencies affected by the WQM plan. Affected agencies include general purpose units of local government, proposed and designated management agencies, other State and Federal agencies whose lands or programs are impacted (e.g., air, solid waste, drinking water, fish and game offices, and affected downstream or contiguous States and municipalities). Within 60 days after the public hearing, the planning agency shall submit its WQM plan or portion, and its responsiveness summary, to the Governor and EPA for their concurrent evaluation.

(b) *Evaluation criteria.* To be certified by the Governor and approved by EPA, the WQM plan or portion shall:

(1) Be consistent with work program provisions, other relevant portions of the State/EPA Agreement, this subpart, and the Act;

(2) Be technically sound;

(3) Be economically feasible;

(4) To the maximum extent feasible, be consistent with other relevant certified and approved WQM plans (including plans of neighboring States); and

(5) Represent substantial progress toward achievement of water quality goals (see § 35.1505).

(c) *Management agencies.* Management agencies shall satisfy requirements of § 35.1521–3(c).

§ 35.1523–3 Plan certification; designation of management agencies.

(a) Within 120 days after receipt of the WQM plan for evaluation under § 35.1523–2, the Governor shall submit a letter to the Regional Administrator and the planning agency containing findings that the Governor certifies, or does not certify, each element of the plan. The Regional Administrator may allow the State to use up to 30 additional days. Prior to submission, the Governor shall give public notification of the intended action on the WQM plan in accordance with Part 25. If there is sufficient public interest, a public meeting may be held in accordance with Part 25 of this chapter. Plan provisions may be certified and management agencies designated with conditions. Unless otherwise specified in the conditions, the conditioned certification shall have the same status as full certification for purposes of sections 204(a), 208(d) and 208(e) of the Act. The certification letter shall be accompanied by a summary of public participation and comments received, and the Governor's response to those comments. The certification letter shall specify:

(1) Plan provisions the Governor certifies in accordance with § 35.1523–23(b), and any conditions. Where provisions are certified under this section with conditions, a schedule for completing revisions shall be included.

(2) For plan provisions the Governor does not certify, the plan revisions necessary for certification.

(3) Designated management agencies for implementing certified plan provisions, and any conditions. Where such agencies are not identified, the plan revisions necessary to obtain designation must be stated. Where the Governor designates a management agency which differs from the agency set forth in the plan, he or she shall forward with the certification letter the rationale for the selection, a summary of comments of the planning agency on the substitution, the Governor's response to those comments, and the commitment letter of the management agency (if it is a major agency under § 35.1521–3(c)(1)).

(b) In the case of a plan or portion from an interstate area, the Governors of each State in the interstate area shall concurrently undertake the responsibilities assigned to them under paragraph (a). The Governors are encouraged to consolidate meetings and to coordinate staff review effort.

(c) Where the Regional Administrator determines that the Governor has failed without good cause to meet in a timely manner the certification requirements of paragraph (a), the Regional Administrator shall withhold an appropriate portion of funds otherwise available to the State under this subpart pending compliance with the requirements, and may suspend or terminate current funding in accordance with §§ 30.915 and 30.920 of this chapter.

(d) Disputes concerning refusal to certify plans, and certification or designation conditions, shall be handled through the conflict resolution process developed under § 35.1517.

Note.—The 120-day period for State review and the 150-day period for EPA review run concurrently, not sequentially.

§ 35.1523–4 EPA approval.

(a) Except as otherwise provided under (b), within 150 days after receipt of a WQM plan or portion for evaluation under § 35.1523–2, the Regional Administrator shall take action under this section. This time may be extended by an amount of time equal to the extra time given a State for review under § 35.1523–3(a). Plan recommendations may be approved and designated management agencies accepted with conditions. Unless otherwise specified in the condition, the conditioned approval or acceptance shall have the same status as full approval or acceptance for purposes of sections 204(a), 208(d) and 208(e) of the Act. The Regional Administrator shall notify the Governor and the planning agency in writing of the following:

(1) Plan provisions approved and designated management agencies accepted, and any conditions. The Regional Administrator shall identify specific conditions approved for incorporation into NPDES permits under section 208(e), and a schedule for completion of revisions where plan conditions are approved with conditions.

(2) For plan provisions disapproved and designated management agencies not accepted, the plan revisions necessary to obtain approval and acceptance.

(b) Under section 208(c)(2) of the Act, the Regional Administrator has 120 days from date of management agency designation to refuse to accept such designation. Therefore, the Regional Administrator may require submission of information about such designations to be submitted to EPA in advance of other plan materials.

(c) Periodically, EPA shall publish notices in the **Federal Register** describing actions taken under this section. The notices shall specify an EPA contact for more information.

(d)(1) Approvals of WQM plans and plan elements are subject to withdrawal or modification in whole or in part when the Regional Administrator, after consultation with the Governor and with the concurrence of the Assistant Administrator for Water and Waste Management, determines such action to be necessary to meet water quality goals based on further studies or information which becomes available after approval. For example, the Regional Administrator may determine that his or her approval of a plan element containing alternatives for waste treatment should be modified in view of a later facility plan which, based on more detailed study than that contained in the WQM plan (such as a cost-effective analysis or an environmental assessment),

recommends modification of the alternatives set forth in the plan.

(2) Before withdrawal or modification is effective, the Regional Administrator shall provide the affected State and areawide planning and management agencies and the public in the affected area with an explanation of the Regional Administrator's proposed action and opportunity to comment on it. If an affected agency requests within ten days of such notification, the Regional Administrator shall provide an opportunity for a meeting at which the agency may present its views. The record of the decision shall include the responses of the Regional Administrator to comments, if any, received during this process.

(e) Where an agency is dissatisfied with EPA disapproval or conditions on approval of its plan or management agency designation, the Regional Administrator may, in his or her sole discretion, allow the agency to use EPA's appeals process in subpart J (Disputes) of Part 30 of this chapter. Such access shall not be allowed where other more appropriate administrative decision making processes or remedies exist (e.g., for NPDES permit conditions). Access is not available for disputes concerning State certification or conditions (see § 35.1523–3(d)).

§ 35.1523–5 State adoption of WQM plans.

In the case of any element of a State or areawide WQM plan which the State determines will be implemented by the State through regulatory means, the State shall undertake the State rulemaking procedures necessary to implement the element as soon as practicable after its certification and approval.

§ 35.1523–6 Plan revisions.

(a) Except as otherwise provided below, plan revisions to accommodate changed circumstances, later studies and information, and new requirements of State law or regulations shall be developed, certified and approved as part of the normal annual process at WQM plan development and update. Under §§ 35.1511–2, 35.1513–3 and 35.1515, the State can establish requirements for State and areawide WQM plan revisions. Unresolved disputes between the State and an areawide agency concerning any such requirements shall be handled through the conflict resolution process developed under § 35.1517.

(b) Where the State by law or regulation changes water quality standards, wasteload allocations, its project priority system, or other such specific water quality-related elements under the legislative or regulatory control of the State, the State may determine (and must notify the affected WQM planning agencies, the public, and the Regional Administrator) that State and areawide WQM plans within the State shall be subject to such changes. Except as procedures elsewhere in this chapter may otherwise provide, such plan modifications shall be deemed approved by EPA unless the Regional Administrator notifies the State of disapproval within 30 days following receipt of notification from the State.

(c) The State, after consultation with affected areawide agencies and with the concurrence of the Regional Administrator, may establish procedures for expedited development, review and certification of plan revisions.

(d) The Regional Administrator and the State may agree to reduce the time limitations and review requirements of §§ 35.1523–3 and 35.1523–4 for plan corrections and revisions of a minor nature.

§ 35.1525 Reviewing plan applicability after approval.

(a) The agency with responsibility for ongoing WQM planning functions related to wastewater treatment facilities shall review facility plans and advise EPA (or the State if the construction program has been delegated) on their conformity with the approved WQM plan or portion. EPA will consider any comments provided by this agency in making determinations under sections 204(a) and 208(d) of the Act. The reviewing agency shall also be responsible for reviewing conformity of facility plans with nonpoint source and other elements of the approved plan or portion.

(b) The State shall identify, with EPA approval, a State or other agency to advise EPA (or the State, if the NPDES program has been delegated) concerning whether proposed NPDES permits are in conflict with the approved WQM plan or portion under section 208(e) of the Act. EPA will consider any comments provided by this agency in making determinations under section 208(e) of the Act.

§ 35.1527 Evaluation of management agency performance.

(a) The State is primarily responsible for evaluation of management agency performance, and it shall provide a description of its evaluation process in its work program. States may delegate portions of evaluation tasks to other appropriate agencies, but the State shall remain responsible for ensuring an adequate evaluation. The State shall consult with the areawide agency when evaluating a management agency responsible for implementing a portion of the areawide's plan. Results of the evaluation shall be reflected in the strategy and subsequent work programs.

(b) If the Regional Administrator determines it appropriate, EPA may also evaluate management agency performance. Where the Regional Administrator determines, after consultation with the appropriate planning agency, that the management agency is not meeting its responsibilities effectively and on time, he or she may withdraw acceptance of the management agency and request the Governor to take corrective action (including designation of a different agency) under § 35.1529.

(c) The State and EPA shall use the WQM plan requirements for the management agency and the letter of commitment (see § 35.1521–3(c)) when evaluating management agency performance.

§ 35.1529 Change in management agency designation by States.

Where evaluation of a management agency indicates a failure to implement assigned responsibilities, the Governor, in consultation with the appropriate WQM planning agency, shall take appropriate action to correct the failure. If appropriate, the Governor shall withdraw the existing designation and propose an alternate designation. A change in management agency designation shall require EPA acceptance. In proposing to change a management agency's designation, the Governor shall follow the procedures under § 35.153–2(b), except that such procedures may be modifed with concurrence of the Regional Administrator.

§ 35.1531 Intergovernmental coordination and cooperation.

§ 35.1531–1 General.

WQM agencies shall provide adequate opportunities for local, regional, State, interstate, and Federal agencies which affect or are affected by WQM to become involved in activities under this subpart, including work program development, planning, and implementation. The Regional Administrator shall not approve a work program unless satisfied that the applicant has provided adquate opportunities for involvement and that the proposed work is in compliance with applicable requirements of other Federal programs.

§ 35.1531-2 Coordination and consolidation.

WQM activities shall be coordinated and, to the extent feasible, integrated with activities of other agencies. WQM plans shall be developed in cooperation with agencies preparing water resource management plans under section 209 of the Act. Wherever appropriate, common data bases, common planning and management agencies, consolidated and simplified reporting requirements, advisory bodies, and public participation programs should be used. WQM agencies should use technical expertise of Federal and other agencies where possible. Federal and other agencies may be delegated resonsibility under interagency agreement and may be designated as management agencies. Specific activities to coordinate, consolidate, and integrate WQM activities with other programs shall be identified in the work program.

§ 35.1531-3 Federal responsibility.

(a) In accordance with section 313 of the Act and Executive Order 12088, Federal properties, facilities, and activities shall comply with all Federal, State, interstate, and local requirements, administrative authority, procedures and sanctions respecting the control and abatement of water pollution in the same manner and to the same extent as any non-governmental entity.

(b) Generally, EPA will facilitate resolution of conflicts among Federal agencies and State, interstate, or local agencies in matters affecting the application of or compliance with a requirement for abatement of pollution. Where EPA determines that its efforts are or likely will be unsuccessful, the matter shall be referred to the Office of Management and Budget under provisions of Executive Order 12088.

§ 35.1533 Implementation.

§ 35.1533-1 General.

The fundamental objective of all activities of State and other agencies under this subpart shall be to achieve the water quality goals of the Act. Therefore, all planning shall aim at specific implementation action. EPA shall not exercise any approval authority under this part, nor award any grant, unless the Regional Administrator is satisfied that the action for which approval or grant funds is sought accords with this policy. This policy shall also be a key element in evaluations conducted under this part.

§ 35.1533-2 Funding.

Except for subsection 208(j) of the Act, implementation activities are generally not eligible for funding under section 208 of the Act. In accordance with annual EPA guidance, funds under sections 106, 201, 205(g), and 314 of the Act may be used for implementation activities under approved water quality management plans, if such activities are eligible for funding under those sections. Funding may be available under section 201(e) from revenues from integrated facilities. Funding may also be available for implementing BMPs in rural areas under section 208(j) and for certain activities of other Federal agencies under section 304(k) of the Act. Under RCRA, assistance is available to plan and implement programs to control disposal of solid and hazardous waste. Other Federal agencies, such as the Departments of Agriculture and Housing and Urban Develoment, may have funding available for certain implementation activities.

§ 35.1533-3 Remedies for failure to implement.

The Regional Administrator may take any appropriate action for failure to implement, including the following:

(a) The Regional Administrator, after consulting State and areawide planning agencies, and after public notification in accordance with Part 25 of this chapter, may withdraw acceptance of a management agency designation or approval of a planning agency designation if the agency is not meeting its implementation responsibilities. The Governor shall then promptly designate a replacement agency under § 35.1519 or § 35.1529. Under § 30.340 of this subchapter, such a failure may provide a basis for EPA determination that the disapproved agency is not entitled to public trust and, therefore, is ineligible to receive funds under any EPA program.

(b) After fiscal year 1979, no funds under section 208 of the Act will be available to any planning agency which developed a certified and approved plan, unless a significant portion of the plan is being implemented.

(c) If the Regional Administrator determines that a State is not implementing any portion of an approved State WQM plan, or any portion of an approved areawide WQM plan for which the State has implementation responsibility, he may withhold all or part of funds which the State would otherwise receive under this subpart.

§ 35.1533-4 Relationship to other programs.

(a) *Relationship to the NPDES program.* In accordance with section 208(e) of the Act, no NPDES permit may be issued to any point source which is in conflict with an approved WQM plan. Under § 35.1521-3(a), conditions for incorporation in permits under 208(e) are established during WQM planning. Permit conditions identified under section 208(e) may be superseded by applicable, more stringent NPDES permit requirements.

(b) *Relationship to the construction grants program.* (1) Under sections 208(d) and 204(a)(1) of the Act, after relevant portions of a WQM plan are approved, section 201 construction grants may be awarded only to designated management agencies for construction of treatment works in conformity with the approved WQM plan. The agency which the State has selected under § 35.1525 shall review each facility plan in its area for consistency with the approved WQM plan. Except as otherwise provided under § 35.1523-4, facility planning shall be based on wasteload allocations, delineation of facility planning areas, and population projection totals and disaggregations in approved WQM plans. Under § 35.917(e) of subpart E, after October 1, 1979, the Regional Administrator shall not approve a grant for any municipal treatment works under section 201 of the Act where such facility-related information is not available in an approved WQM plan, unless the Regional Administrator determines in writing, based on information submitted by the State or grantee, that the facility related information was not within the scope of the WQM work program or that the award of the 201 grant is necessary to achieve water quality goals. This authority may not be delegated below the Deputy Regional Administrator.

(2) In accordance with section 516(b)(1)(B) of the Act, and § 35.915(b) of subpart E, each State shall maintain a listing, including costs by category, of all needed treatment works.

(3) Construction grant project priority lists shall be developed by each State in accordance with § 35.915 of subpart E. In establishing its project priority list, the State shall consider project priorities contained in certified and approved WQM plans and portions. If the State's final project priority list establishes a different relative order of priority for projects within an area, the State shall submit with the priority list an explanation of the basis for the difference. After [date of promulgation of final regulations], WQM planning agencies shall develop information on project priorities in accordance with requests and guidance from the State as

part of the State's process of developing the project priority list. Based on consultation with the State, the Regional Administrator will determine the extent to which funds may be used by WQM planning agencies for activities related to State project priority list development.

(4) The draft project priority list shall be submitted by the State to EPA not later than May 1 of each year, and the final list not later than July 15 of each year.

(c) *Relationship to the rural clean water program.* Under section 208(j) of the Act and regulations promulgated by the U.S. Department of Agriculture (with concurrence of the Administrator), financial assistance is available for installation of BMPs to control agricultural nonpoint source pollution.

Note.—The Governor, or a designee, must submit proposed projects in order of priority to the Secretary of Agriculture. Proposed projects are eligible if they are identified in approved portions of WQM plans. The management agency designated to implement the program must assure there will be an adequate level of participation in BMP implementation in terms of the percentage of critical acreage or source of the problem that will be controlled. The management agency must certify that the BMPs to be cost-shared are consistent with the approved WQM plan.

§ 35.1535 Allotments and reallotments.

§ 35.1535-1 Allotments.

(a) *Section 106.* Sums which the Administrator determines will be available for outputs funded under section 106 of the Act for each fiscal year will be allotted by the Regional Administrator to State and interstate agencies on the basis of the extent of the pollution problem. Allotment information and the amounts available shall be announced in a notice in the **Federal Register** and included in each year's annual guidance. Allotments are not absolute entitlements; grant amounts for States and interstate agencies shall be negotiated with each agency in accordance with § 35.1513 and § 35.1537-1(a).

(b) *Section 208.* Sums which the Administrator determines will be available for outputs funded under section 208 shall be allocated to each Region on the basis of the Administrator's determination of need. The amounts available, and the distribution basis, shall be announced in a notice in the **Federal Register** and included in each year's annual guidance. Grant amounts shall be negotiated by the Regional Administrator and each State and areawide agency in accordance with § 35.1513 and § 35.1537-1(b).

(c) *Section 205(g).* Sums available to States under section 205(g) of the Act and subpart F for permit program elements under sections 402 and 404 of the Act and for statewide section 208(b)(4) planning will be determined on a case-by-case basis by the Regional Administrator.

§ 35.1535-2 Reallotments.

(a) The status of awards of funds under sections 106 and 208 of the Act will be monitored by EPA Headquarters. Unobligated funds within a region are subject to reallotment among other regions, based on Headquarters determination of needs.

(b) Unobligated funds under section 205(g) of the Act shall be managed in accordance with § 35.1020(e) of this Part.

§ 35.1537 Grant limitations and administration.

§ 35.1537-1 Grant amount.

(a) *For section 106 and 205(g) outputs.* Each State and interstate agency shall receive a grant from its final 106 allotment and 205(g) nonconstruction management assistance funds in an amount not to exceed the reasonable cost of carrying out its approved program, as determined by the Regional Administrator.

(b) *For section 208 outputs.* Each State and areawide planning agency shall receive a grant in an amount not to exceed 75% of the reasonable cost of carrying out its approved program as determined by the Regional Administrator.

§ 35.1537-2 Reduction of grant.

(a) Should the Regional Administrator's evaluation of the work program proposed by a State, interstate, or areawide agency indicate that the proposed output commitment is not consistent with the level of funding requested or national priorities, he or she shall negotiate with the agency to change the output commitment or to reduce the grant amount. However, should an agency propose a different set of outputs than suggested in the EPA annual guidance due to unanticipated regional or statewide pollution problems, the Regional Administrator may approve the program provided he or she determines the outputs can and should be produced and the proposed funding is appropriate.

(b) If a State, interstate or areawide agency fails to submit its work program by the dates specified in § 35.1513, the grant amount may be reduced by an appropriate amount reflecting the significance of the delay in relation to accomplishment of the proposed program.

(c) Funds not obligated under this section shall be available for award to other agencies.

§ 35.1537-3 Eligibility.

(a) *Section 106.* Grants may be awarded to a State or interstate water pollution control agency provided the agency has submitted a work program which satisfies the requirements of this subpart and is approved by the Regional Administrator.

(b) *Section 208.* (1) 208 funds for State agencies may be awarded to one or more agencies identified in the approved work program.

(2) An areawide planning agency shall be eligible for grant awards under these provisions only if it:

(i) Is designated under section 208(a) and approved by the Regional Administrator as the planning agency for the area;

(ii) Agrees to develop or revise a WQM plan in accordance with an approved work program; and

(iii) Is considered likely to be successful in its efforts by the Regional Administrator, based on the past efforts of the agency, evaluations, and comments of the State and the public.

§ 35.1537-4 Limitations on award.

(a) No funds under section 106 of the Act shall be awarded to any State or interstate agency for any fiscal year unless the agency has certified (and the Regional Administrator agrees) that its expenditures of non-Federal funds during that fiscal year for its recurrent 106 program expenditures will be not less than such expenditures during the fiscal year ending June 30, 1971, or the first subsequent year of Federal Support if such Federal Support was initiated subsequent to the fiscal year ending June 30, 1971.

(b) If a State has received a construction management assistance grant under section 205(b) of the Act, the provisions of § 35.1016(a) of this Part determine the maintenance of effort level, but in no case shall a State reduce its expenditures below the amount required in paragraph (a) of this section.

(c) No funds under section 208 of the Act shall be awarded to a designated planning agency where previous planning by that agency for the same water quality problem was not certified by the State or was disapproved by EPA unless the Regional Administrator is satisifed that the cause of the difficulty

has been resolved and the provisions of § 35.1537-3(b)(2) are met.

(d) No funds under section 106 of the Act shall be awarded to any State which has not provided or is not carrying out as part of its program (1) the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, and to compile and analyze data on (including classification according to eutrophic condition) the quality of navigable waters and to the extent practicable, ground waters including biological monitoring; and provision for updating such data and including it in the report required under section 305(b) of the Act (Appendix A sets forth the minimum requirements for an acceptable monitoring strategy under the Act); (2) authority comparable to that in section 504 of the Act, "Emergency Powers", and adequate contingency plans to implement the authority, in accordance with EPA guidance.

(e) No grant shall be awarded for any activity which the Regional Administrator determines is not in conformity with an approved State Implementation Plan under the Clean Air Act.

(f) No funds under section 106 of the Act shall be awarded to a State unless the Regional Administrator determines that the level of funding for legal expenses related to enforcement activities is adequate (including funding for expenses of the State's attorney general or equivalent office, where the Regional Administrator determines such funding to be appropriate).

(g) No funds under section 106 of the Act shall be awarded to any State or interstate agency with respect to which there is in effect any federally assumed enforcement under section 309(a)(2) of the Act.

(h) No funds under this subpart shall be awarded until review of applications in accordance with the requirements of Office of Management and Budget Circular A-95, as implemented in § 30.305 *et seq.* of this chapter.

§ 35.1537-5 Allowable and unallowable costs.

Allowable and unallowable costs shall be determined by the Regional Administrator in accordance with § 30.705 of this chapter. Costs related to the following activities shall be unallowable:

(a) Costs incurred in sewer system evaluation surveys required under § 35.927-2 of this Part;

(b) Costs incurred in detailed sewer system mapping and related surveys;

(c) Costs related to sewage collection systems at less than trunk line level;

(d) Cost of special studies for the specific benefit of individual, industrial or commercial establishments; and

(e) Costs of activities which are primarily of a research nature.

§ 35.1537-6 Audit.

State or other agencies which receive funds under more than one EPA statutory authority shall develop outputs for the expenditure of those funds in such a manner as to assure the funds are used for permissible tasks and to permit accountability to each appropriation. However, commonly funded outputs serving more than one program shall be used where feasible. EPA may accept State audit results in lieu of EPA audit, and may use independent audits in accordance with EPA guidance.

§ 35.1537-7 Adherence to budget estimates.

Grant expenditures shall be consistent with the resource estimates contained in the approved work program. If rebudgeting of funds among program elements becomes necessary, the provisions of § 30.610 of this chapter apply.

§ 35.1537-8 Program changes.

The grantee shall conduct its activities in a manner consistent with the approved work program. If budget changes to the approved State program become necessary, the provisions of § 30.610 of this chapter apply.

§ 35.1537-9 Payment.

Grant payments shall be made in accordance with § 30.615 of this chapter. Notwithstanding the provisions of § 30.345 of this chapter, the first grant payment subsequent to grant award may include reimbursement of allowable costs incurred from the beginning of the approved budget period, provided (a) that monthly costs incurred from the beginning of the budget period to the date of grant award do not exceed the level of costs approved by the Regional Administrator as reasonable, and (b) that the Regional Administrator has approved such costs before they are incurred.

§ 35.1537-10 Financial status report.

Within 90 days after the end of each budget period, the grantee shall submit to the Regional Administrator an annual report of all expenditures (Federal and non-Federal) which accrued during the budget period. Beginning in the second quarter of any succeeding budget period, grant payments may be withheld under § 30.615-3 of this chapter until this report is received.

§ 35.1537-11 Disputes under this subpart.

Final determinations of the Regional Administrator concerning refusal to award grant funds and termination or suspension of grants, and final determinations of the Regional Administrator concerning disputes as to allowable costs or other matters arising under a grant (other than matters covered by § 35.1537-12 or matters otherwise excluded under this subpart from access to subpart J) shall be final and conclusive unless appealed by the applicant or grantee in writing within 30 days from the date of receipt of such final determination. Procedures and further requirements are set forth in the "Disputes" provisions of Part 30, subpart J of this subchapter.

§ 35.1537-12 Procurement and protests.

Procurement actions by agencies assisted under this subpart, and protests concerning such procurement actions, are governed by the applicable provisions of Part 33 of this chapter.

§ 35.1537-13 Budget period.

After fiscal year 1979, the budget period shall be for the Federal fiscal year, except where the Regional Administrator establishes a different budget period, based on Headquarters guidance, for specific studies or other outputs such as demonstration elements of 208 planning assistance. Funds may be awarded on a multiyear basis (see § 35.15131(b)).

§ 35.1540 Interstate agencies.

(a) The term "areawide agency" and variations thereof in this subpart includes each interstate agency which is also a designated areawide planning agency under section 208 of the Act. Each such interstate agency must meet all requirements otherwise applicable to an areawide planning agency. Additional review requirements for WQM plans of interstate agencies are described in § 35.1523-3(b).

(b) Interstate agencies funded under section 106 of the Act are subject to all applicable requirements of this subpart on the same basis as a State agency (see in particular the requirements for work program development, review and evaluation in § 35.1513). In addition, States and interstate agencies shall cooperate and communicate with each other in any aspect of the WQM process where their activities effect each other. Interstate agencies shall inform affected States early in the process of work program development about their

proposed activities, and shall provide affected States with a copy of their draft work program for review and comment. States are encouraged to establish a "lead" State to deal with the interstate agency.

§ 35.1542 Termination of reporting requirements.

On or before [five years from date of publication], the Administrator will review this subpart to determine if any reporting requirements should be terminated.

§ 35.1550 Water quality standards.

(a) The State shall hold public hearings for the purpose of reviewing water quality standards and shall adopt revisions to water quality standards, as appropriate, at least once every three years and submit such revisions to the appropriate Regional Administrator pursuant to section 303(c) of the Act.

(b) The water quality standards of the State shall:

(1) Protect the public health or welfare, enhance the quality of water and serve the purposes of the Act;

(2) Specify appropriate water uses to be achieved and protected, taking into consideration the use and value of water for public water supplies, propagation of fish, shellfish, and wildlife, recreation purposes, and agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation; and

(3) Specify appropriate water quality criteria necessary to support those water uses designated pursuant to § 35.1550(b)(2).

(c) In reviewing and revising its water quality standards pursuant to § 35.1550(a), the State shall adhere to the following principles:

(1) The State shall establish water quality standards which will result in the achievement of the national water quality goal specified in section 101(a)(2) of the Act, wherever attainable. In determining whether such standards are attainable for any particular segment, the State should take into consideration environmental, technological, social, economic, and institutional factors.

(2) The State shall maintain those water uses which are currently being attained. Where existing water quality standards specify designated water uses less than those which are presently being achieved, the State shall upgrade its standards to reflect the uses actually being attained.

(3) At a minimum, the State shall maintain those water uses which are currently designated in water quality standards, effective as of the date of these regulations or as subsequently modified in accordance with § 35.1550(c)(1) and (2). The State may establish less restrictive uses than those contained in existing water quality standards, however, only where the State can demonstrate that:

(i) The existing designated use is not attainable because of natural background;

(ii) The existing designated use is not attainable because of irretrievable man-induced conditions; or

(iii) Application of effluent limitations for existing sources more stringent than those required pursuant to section 301(b)(2) (A) and (B) of the Act in order to attain the existing designated use would result in substantial and widespread adverse economic and social impact.

(4) The State shall take into consideration the water quality standards of downstream waters and shall assure that its water quality standards provide for the attainment of the water quality standards of downstream waters.

(d) The Regional Administrator shall approve or disapprove any proposed revisions of water quality standards in accordance with the provisions of section 303(c)(2) of the Act.

(e) The State shall develop and adopt a statewide antidegradation policy and identify the methods for implementing such policy pursuant to this subpart. The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following:

(1) Existing instream water uses shall be maintained and protected. No further water quality degradation which would interfere with or become injurious to existing instream water uses is allowable.

(2) Existing high quality waters which exceed those levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water shall be maintained and protected unless the State chooses, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, to allow lower water quality as a result of necessary and justifiable economic or social development. In no event, however, may degradation of water quality interfere with or become injurious to existing instream water uses. Additionally, no degradation shall be allowed in high quality waters which constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance. Further, the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and feasible management or regulatory programs pursuant to section 208 of the Act for nonpoint sources, both existing and proposed.

(3) In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with section 316 of the Act.

Appendix A—Water Quality and Pollutant Source Monitoring

A. Purpose

This Appendix sets forth the description of the minimum acceptable State monitoring strategy and program required by § 35.559(b)(1), pursuant to Section 106(e)(1) of the Act.

B. Objectives and General Requirements

The objectives of the State monitoring program required by the Act are provision of the data, information, or reports necessary to determine compliance with permit terms and conditions, to develop and maintain an understanding of the quality (and causes and effects of such quality) of the waters in the State for the purpose of supporting State water pollution control activities in relation to the achievement of National goals according to the Act, to report on such quality and its causes and effects, and to assess the effectiveness of the State's pollution control program. To this end each State shall establish and maintain the capacity and competence to carry out a broad range of monitoring activities both before and after implementing pollution controls, including measurement of pollutant sources, water quality (physical, chemical, and biological), the factors affecting water quality, and the specific effects of such quality upon beneficial uses of the State's waters. Conduct of such monitoring programs and activities shall be carried out according to normally accepted practices consistent with practices promulgated or otherwise issued by the Administrator in the form of regulations, guidelines, technical manuals and handbooks, or other guidance which from time to time may be published and revised or amended.

C. Definitions

As used in this Appendix, the following terms shall have the meaning set forth below:

(1) The definitions of the following terms contained in Section 502 of the Act shall be applicable to such terms as used herein unless the context requires otherwise: "State water pollution control agency," "State," "interstate agency," "pollutant," "biological monitoring," "discharge," and "pollution."

(2) The term "parameter" means a quantitative or characteristic element which describes physical, chemical, or biological conditions of water.

(3) The term "representative point" means:

(a) A location in surface waters or ground waters at which specific conditions or parameters may be measured in such a manner as to characterize or approximate the quality or condition of the water body; or

(b) A location in process or waste waters at which specific conditions or parameters are measured and will adequately reflect the actual condition of those waters or waste waters for which analysis was made.

(4) The term "NPDES" means the National Pollutant Discharge Elimination System which is the national permitting system authorized under Section 402 of the Act, including any State or interstate permit program approved by the Administrator pursuant to Section 402 of the Act.

(5) The term "compliance monitoring" means measuring and analyzing pollutant sources, review of reports and information obtained from dischargers, and all other activities conducted by the State to verify compliance with effluent limits and compliance schedules.

(6) The term "intensive survey" means the frequent sampling or measurement of parameters at representative points for a relatively short period of time to determine water quality conditions, causes, effects, or cause and effect relationships of such conditions.

(7) The term "fixed station monitoring" means the repeated, long-term sampling or measurement of parameters at representative points for the purpose of determining water quality trends and characteristics.

(8) The term "State continuing planning process or planning process" means the continuing planning process required by Section 303(e) of the Act, as developed and approved pursuant to 40 CFR Part 130.

(9) The term "monitoring activity" includes but is not limited to, the following: the collection of samples, including preservation and transport, and the collection of information concerning the quality or condition of ambient waters, including ground waters, or aquatic biota; the collection of samples, including preservation and transport, and the collection of information concerning the physical, chemical, or biological character of waste discharges to ambient waters, including ground waters; the operation and maintenance of field and laboratory support facilities including approved quality assurance practices; the processing, analysis, interpretation, and reporting of resulting data and information; and the management of such activities in terms of staffing, funding, scheduling, and coordination with other agents, including other State, interstate, Federal, local, and private entities or agencies.

(10) The term "monitoring program" includes, but is not limited to the monitoring activities described in (9) above applied in support of the State's water pollution control program.

D. Monitoring Strategy

The State shall develop, maintain, and implement a Statewide monitoring strategy as part of, and consistent with, the overall State strategy for preventing and controlling water pollution (described in § 130.26 of this chapter). The monitoring strategy, or revisions thereof, shall conform with the requirements of this Appendix and shall be included as a part of the State strategy required pursuant to § 35.562(a)(1), and shall:

(1) Describe the rationale by which the data needs of the State's water pollution control program are identified and prioritized;

(2) Describe the present and projected monitoring activities being carried out by the State as well as those being carried out by other entities insofar as the State relies or intends to rely upon them to satisfy the monitoring needs of the State's water pollution control program; and

(3) Describe the plan to progress systematically toward development of the capacity and competencies necessary to satisfy fully the monitoring needs of the State's water pollution control program; set the priorities for satisfaction of such monitoring needs, and describe generally what will be done in each of the monitoring activities for the next fiscal year.

E. Program Accomplishment Planning and Review

The States shall develop and include as a part of its State program submission required pursuant to § 35.562(a):

(1) Estimates of expenditures in terms of percentage of the total water monitoring budget for each of the monitoring program activities of field sampling, laboratory analysis including quality assurance, data handling, interpretation and reporting, and program management.

(2) Estimates of expenditures in terms of percentages of the total water monitoring budget for each monitoring program component described in Paragraph G herein.

F. Coordination With Other Entities

Insofar as monitoring activities by other agents, including other State, interstate, Federal, local, or private entities or agencies, meet the laboratory support and quality assurance requirements set forth in this Appendix, and where sampling frequency, parameter coverage, station locations, and data availability meet pollution control program requirements, such activities should be integrated into the State's water monitoring program and, when approved by the Regional Administrator, will aid in satisfying the monitoring needs of the State's water pollution control program.

G. Components of the State's Water Monitoring Program

The water monitoring program of the State shall include, but is not limited to, the following components:

(1) Compliance monitoring in accordance with 40 CFR Part 124 Subpart G and 40 CFR Part 125.27 of this Chapter.

(2) Intensive surveys of surface waters.

(3) Fixed station monitoring at representative points in surface waters.

H. Laboratory Support and Quality Assurance

The State water monitoring program shall produce valid data and information. The State shall ensure that the monitoring program is staffed, equipped, maintained, and operated in a manner to support the activities of the State or interstate pollution abatement program.

Quality assurance procedures shall be adopted as an integral part of the monitoring program and shall be described in the monitoring strategy required in Paragraph D of this Appendix.

Specific requirements for field and laboratory procedures are:

(1) For the NPDES program and where else appropriate, sample collection, preservation, transportation and laboratory analysis shall be in compliance with 40 CFR Part 136, promulgated pursuant to Section 304(g) of the Act.

(2) Unless otherwise specifically authorized by the Regional Administrator, physical, chemical, biological, and microbiological parameters not identified in 40 CFR Part 136 shall be analyzed in accordance with those generally accepted methods cited in the latest editions of the following references:

(a) *Standard Methods for the Examination of Water and Wastewater*, American Public Health Assn., American Water Well Assn., Water Pollution Control Federation, Published by APHA, 1940 Broadway, New York, New York, 1972.

(b) *Annual Book of Standards, Part 23, Water; Atmospheric Analysis*, Published by American Society for Testing and Materials, Philadelphia, Pa., 1973.

(c) *Methods for Chemcial Analysis of Water and Wastes*, U.S. Environmental Protection Agency, Methods Development and Quality Assurance Research Laboratory, and National Environmental Research Laboratory, Cincinnati, Ohio, July, 1973.

(d) *Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents*, U.S. Environmental Protection Agency, Methods Development and Quality Assurance Research Laboratory, Cincinnati, Ohio, July, 1973.

(e) *Recommended Methods for Water Data Acquisition*, Office of Water Data Coordination, U.S. Department of Interior, Washington, D.C., December, 1972.

(f) *Methods for Collection and Analysis of Water Samples for Dissolved Minerals and Gases*, U.S. Geological Survey, U.S. Department of the Interior, Eugene Brown, M. W. Skougstad, and M. J. Fishman, Washington, D.C. 1970, (U.S. Government Printing Office).

(g) *Methods for Collection and Analysis of Aquatic Biological and Microbiological Samples*, U.S. Geological Survey, U.S. Department of the Interior, K. V. Slack, R. C. Averett, P. E. Greeson, and R. J. Lipcombs, Washington, D.C., 1973.

(h) *Methods for Organic Pesticides in Water and Wastewater*, U.S. Environmental Protection Agency, James J. Lichtenberg, National Environmental Research Center, Cincinnati, Ohio, 1971.

(i) *Methods for Analysis of Organic Substances in Water*, U.S. Geological Survey, U.S. Department of the Interior, Washington, D.C.

(3) If a State wishes to use an analytical method or procedure not cited in either 40 CFR Part 136 or the references listed in subparagraph (2) above, the State shall submit an application to the Regional Administrator for approval pursuant to § 136.5 of this Chapter. Such applications shall include a description of proposed alternative analytical method or procedure together with the reason(s) for seeking to use a method other than according to Subparagraph (1) or (2) above, and a description of the uses to which the data and information collected using such method will be put.

(4) All participating laboratories shall routinely utilize and document intralaboratory analytical quality control procedures, including a combination of techniques such as: spiked sample recovery, replicate sample analyses, and reference sample analyses in a manner required by the Regional Administrator. The operation of such intralaboratory analytical quality control activities shall be consistent with practices recommended in the latest edition of EPA's *Handbook for Analytical Quality Control in Water and Wastewater Laboratories*, or other practices as authorized by the Regional Administrator. The laboratories shall participate in and document interlaboratory testing programs, including sample splitting between State monitoring support laboratories and EPA laboratories as required by the Regional Administrator.

(5) The State shall make all field operations, monitoring support laboratories, laboratory data records, and records indicating laboratory techniques and quality control procedures used open to EPA review pursuant to the access provisions of 40 CFR Part 30.

I. Data Handling, Storage, and Reporting

Data and information resulting from the State's water monitoring program shall be made available to EPA in a form, volume, and manner agreed upon by the State and Regional Administrator.

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federal register

Wednesday
May 23, 1979

Part III

Department of the Interior

Fish and Wildlife Service

Captive Wildlife Regulation; Proposed Rulemaking

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

Captive Wildlife Regulation

AGENCY: Fish and Wildlife Service, Interior.

ACTION Proposed rulemaking.

SUMMARY: Regulation of activities concerning captive wildlife under the Endangered Species Act of 1973 appears to have hindered propagation efforts. In view of this, the service has determined that its primary concern under the Act should be to conserve wild populations of Endangered and Threatened species, and that regulations should interfere as little as possible with captive propagation of these species. This proposed rule incorporates public comments on an advance notice about the same topic. The Service proposes to grant general permission to the public to take, engage in interstate and foreign commerce, and conduct certain other prohibited activities with captive-bred wildlife. Such permission would be limited to activities conducted to enhance the propagation or survival of the affected species. It also would be limited to exotic species and those native species that are sufficiently protected in the wild. Persons operating under these rules would be required to register and report on activities to the Service so that a necessary minimum level of control can be maintained.

DATES: Comments must be received on or before July 23, 1979.

ADDRESSES: Send comments to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240. Materials received in connection with this rulemaking are available for public inspection during business hours of 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 616, 1000 N. Glebe Road, Arlington, Va.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703) 235–2418.

SUPPLEMENTARY INFORMATION:

A. Is it necessary to revise the regulations for captive wildlife?

The Endangered Species Act of 1973, as amended, establishes prohibitions against certain activities involving species of wildlife that are determined to be Endangered. By regulation, the Secretary of the Interior has applied these same prohibitions to species determined to be Threatened. These activities include, among other things, taking (defined to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct), importation, exportation, and interstate or foreign commerce.

The Act and the regulations that implement it provide that permission may be granted for such activities if they are conducted for certain purposes. In the case of Endangered Species, the Act limits them to scientific purposes or to purposes of enhancing the propagation or survival of the affected species. In the case of Threatened species, regulations limit them to scientific purposes, purposes of enhancing the propagation or survival of the affected species, economic hardship, zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

When these provisions were first put into effect, it became evident to the Service and the affected public that many routine activities involved with captive propagation of Endangered and Threatened species were prohibited, and could be authorized only by permit. Numerous zoos and breeders of cats, pheasants, waterfowl and other animals, as well as circuses and animal dealers, wrote to the Service about their new legal problems. One prevalent argument was that the wildlife in question belonged to them, and that what they did with it had little or no relationship to conserving wild populations of the species. Another argument was that even when their activities were for purposes allowed by the Act or by the regulations, the red tape involved in obtaining permits was counterproductive. Effective propagation depends, in part, on prompt treatment of sickness or injury, and on the ability to transfer breeding stock without long dalays. Permit requirements led some animal breeders to reduce productivity by separating animals or by using contraceptives so that they did not have surpluses.

In reponse to this problem, the Service issued regulations for Captive Self-Sustaining Populations of Endangered Species (CSSP's). These regulations, published on June 1, 1977 (42 FR 28052–28057), determined that populations of eleven Endangered species in captivity in the United States were to be treated as Threatened species. Permit requirements for activities involving these CSSP's were simplified. Persons obtaining such permits were allowed to freely engaged in interstate commerce with other permit holders, provided they reported all transactions on forms supplied by the Service.

The CSSP regulations did not sufficiently alleviate problems for animal breeders, as summarized in the advance notice of proposed rulemaking on captive wildlife regulation, issued April 14, 1978 (43 FR 16144–16145). The problems, expressed in numerous letters to the Service, are mainly that:

(1) The CSSP approach does not promote the propagation of other species not yet qualified for CSSP treatment;

(2) The CSSP list does not include enough qualified species, and the procedure for adding them is cumbersome;

(3) The permit requirements place an excessive burden on the public, as in the case of a pheasant breeder who might have only a few birds as a hobby; and

(4) The classification of CSSP's as "species" distinct from wild populations of the same biological species is an artificial distinction.

The Service is convinced that a change is necessary, after reviewing all of the public comments and after almost two years of administering the CSSP system. Comments in response to the advance notice on this subject overwhelmingly favored a change to make the controls less restrictive. Advantages and disadvantages of such a move are discussed later in this proposal.

B. Why should activities with captive wildlife be regulated?

The Act requires that certain activities be regulated if a species is determined to be Endangered. The Service has consistently maintained that the Act applies to both wild and captive populations of a species. This view has been confirmed by recent action of Congress to specifically exempt from the prohibitions any raptor legally held in captivity or in a controlled environment on the effective date of the Endangered Species Act Amendments of 1978.

There are reasons other than this legal one why certain activities with captive Endangered and Threatened wildlife should be regulated. Captive propagation and other uses of captive wildlife can benefit wild populations, which are of primary concern to the Service, by:

(1) Increasing the likelihood that captive breeding populations will be established as a source of known genetic stock to bolster or reestablish populations in the wild;

(2) Reducing the need to take stock from the wild for scientific or other purposes; and

(3) Providing opportunities for research that can lead to improved management of wild populations.

On the other hand, uses of captive wildlife can be detrimental to wild populations if:

(1) Consumptive uses of captive wildlife stimulate a demand for products which might further be satisfied by wild populations;

(2) Persons illegally obtain specimens from wild populations and claim them to be captive-produced; and

(3) Captive propagation is sustainable only with a continuous supply of wild-caught animals.

The obligation of the Service to further the purposes of the Act requires that its implementing regulations be designed to encourage the beneficial effects listed above while discouraging detrimental effects.

C. How should activities with captive wildlife be regulated?

It is impossible to have regulations that will encourage all of the beneficial effects and at the same time effectively discourage all of the detrimental ones, because they are connected to each other. The Service's effort in this proposed rulemaking is to strike the most favorable balance for conservation of the wildlife.

Table I summarizes the major advantages and disadvantages of each general type of regulation that could be applied to captive wildlife under the Act. It includes alternative approaches discussed in the advance notice of April 14, 1978. The listed advantages and disadvantages are a compilation of public comments in response to the advance notice and the Service's views.

Table I.—*Advantages and disadvantages of regulatory options for wildlife in captivity*

Option	Advantages	Disadvantages
1. Expand the present CSSP system.	Provides strict control to protect wild populations. Limits permission to conduct certain activities to qualified persons. Restricts liberal treatment to those captive populations that are self-sustaining (an incentive?). Simplifies transaction paperwork.	Does not promote propagation of other species not yet qualified for CSSP. Does not include enough species, and procedure for adding is cumbersome. Permit application procedure is burden on public. Classification of CSSP's as "species" separate from wild populations is a scientifically artificial distinction.
2. Reclassify all Endangered and Threatened wildlife in captivity as Threatened, with special rules.	Reduces paperwork for propagators. Provides the controls needed to protect wild populations of exotic species. Provides flexibility to regulate activities with captive wildlife as needed.	Classification of captive wildlife as separate "species" is a scientifically artificial distinction. If reclassification must be done species-by-species, process will be lengthy. Reclassification could be a risk to wild populations unless limited to exotic wildlife in the U.S. and certain well-protected native species.
3. Reclassify all Endangered and Threatened wildlife in captivity as E(S/A) or delist entirely.	Reclassification would simplify but not eliminate permit requirements. Delisting of captive wildlife would eliminate paperwork for propagators.	Reclassification could be a risk to wild populations. Delisting of captive wildlife would allow use for purposes contrary to those of the Act. Delisting could make it difficult to insure that wildlife acquired or imported under permit is only used for authorized purposes.
4. Issue general permit to eligible persons for activities with captive wildlife.	Eliminates need to make artificial distinctions between wild and captive populations. Provides flexibility to regulate activities with captive wildlife as needed. Reduces paperwork for propagators. Provides the controls needed to protect wild populations. Limits permission for conducting certain activities to qualified persons.	Permit could be a risk to wild populations unless limited to exotic wildlife in the U.S. and certain well-protected native species.

The advance notice prompted 1,021 letters to the Service (Table II). The vast majority stated that the Service should not be involved in regulating interstate trade in captive-bred wildlife. Many specifically asked that recognized zoological institutions be exempt from such control on the grounds that current permit requirements interfere with captive propagation.

Very few commenters opposed a change in the rules concerning captive wildlife. The State governments of North Carolina, New Mexico, New York and Washington expressed concern for the law enforcement problems that would arise if the delisting of exotic or native wildlife, or the less restrictive treatment of native wildlife were to occur. The Committee for Humane Legislation, Inc., opposed any loosening of the rules or any allowance for commercial activities involving Endangered or Threatened species. Finally, the Environmental Defense Fund expressed concern that relaxation of the rules might harm wild populations, and that it should be limited to animals in captivity at the time of publication of the Service's advance notice and the progeny of such animals. All of these points are addressed below.

Table II.—*Sources of letters commenting on the advance notice of April 14, 1978, concerning captive wildlife regulations*

Source	Number of letters
Private individuals	737 form letters, 33 personal letters.
Zoos	136.
Bird breeders (both individuals and organizations).	50.
State and Federal Government agencies.	34.
Professional organizations	17.
Mammal breeders	7.
Circuses	3.
Conservation organizations	2.
Falconers	2.
Total	1,021.

The Service prefers the fourth alternative outlined in Table I. More than any other alternative, it provides sufficient control to protect wild populations of Endangered and Threatened species while interfering as little as possible with captive propagation activities. The following is a detailed discussion of how this alternative can best be implemented.

D. Discussion of the Proposal

In developing a proposed rulemaking that would grant general permission to conduct certain otherwise prohibited activities, the Service has addressed the following questions.

(1) *Should such permission be limited to wildlife bred in captivity? The advantage of limiting the treatment to wildlife bred in captivity is that it helps to insure that such treatment does not extend to specimens taken from the wild, which are to be more strictly protected. This limitation might also serve as an incentive for persons to make captive populations eligible, thus enhancing propagation. The Service has used in the proposed rule a definition of "bred in captivity" developed through a series of public meetings in preparation for the Second Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. This definition has been adopted by the Party nations. It was drafted in a way that would protect wild populations, and its use in the present regulations would simplify permit requirements where a species is subject to both the Act and the Convention.*

(2) *Should the regulations be limited to exotic species?* The primary concern about captive wildlife regulation, as expressed in public comments on the advance notice, was that it could jeopardize Endangered and Threatened species native to the United States. If such an animal were taken from the wild, it would be difficult for law enforcement officials to show that it was not bred in captivity. This concern led the Service to limit the determination of CSSP's to exotic species, even though it had earlier proposed CSSP status for three native species: The nene goose (*Branta sandvicensis*), Hawaiian duck (*Anas wyvilliana*) and Laysan teal (*Anas laysanensis*). The Service intended to rely on strict import controls to protect wild populations from exploitation. The CSSP regulations, therefore, were applied only to certain exotic species for which interstate commerce, taking and exportation were allowed. Importation was not allowed under these regulations except for previously exported wildlife because the CSSP's were defined as populations in captivity in the United States.

Several persons commenting on the advance notice asked that a less-restrictive approach be taken toward importation of wildlife bred in captivity in foreign zoos. The difficulty with this, in the Service's view, is that the acquisition of specimens from the wild by such zoos is beyond our control, and the evidence demonstrating that the wildlife is bred in captivity might be difficult to verify. The only importation favored by the Service under captive

wildlife rules is the return of individually identified specimens previously exported from the U.S.

Certain native Endangered and Threatened species are more secure from unauthorized taking than others. If protection of wild populations of native species is adequate, captive populations could be afforded less-restrictive treatment. Import controls serve to protect wild populations of exotic species generally, but special treatment of captive-bred native wildlife must be determined species-by-species. Factors to consider would include whether there is a low demand for taking specimens from the wild because of the success of captive breeding, whether the habitat of wild populations is sufficiently inaccessible to discourage taking, and whether protection of wild populations by law enforcement officials would be effective if captive-bred populations were not as strictly regulated. The Service proposes that the less-restrictive rules for captive wildlife be applied to any native Endangered or Threatened species meeting these conditions.

Three candidates for this treatment are the nene goose, Hawaiian duck and Laysan teal. Evidence gathered when proposing their CSSP status shows that they are successfully bred in captivity to the extent that there is a low demand for taking specimens from the wild. The remoteness of Laysan Island, sole natural habitat of the Laysan teal, combined with the low commercial value of this species when bred in captivity, effectively protect its wild population. The small wild populations of the nene goose and Hawaiian duck are vulnerable to taking, and it is not clear that law enforcement is sufficiently effective. Despite the possibility that survival of these species depends on captive propagation, the Service is not yet convinced that conservation of these two species would best be served by relaxing controls on captive populations.

(3) *Should the regulations treat only taking and interstate commerce, or should they also cover import and export?* The Act prohibits a number of activities involving Endangered Species that are routine practices for breeding animals in captivity. However, the Act provides that permits may be granted for these activities if they are to enhance the propagation or survival of the species.

The Service clarified the meaning of "enhance the survival" in a rule issued on June 1, 1977 (42 FR 28052–28057). It was defined to include, among other things, conservation exhibition, euthanasia and the holding of surplus animals. The Service recognizes the need for a more comprehensive definition of enhancing the propagation or survival of species. It proposes to expand the existing one to include the provision of health care, culling, contraception, grouping and handling of wildlife and similar normal practices of animal husbandry, in recognition of the fact that all of these practices are necessary to maintain healthy captive populations.

Although this is an expansion of the definition, all of the included activities are currently authorized by various permits. On occasion, these activities also are known to occur without authorization, as in the case of emergency euthanasia of an injured animal by a person who did not previously obtain a permit for this prupose. It is impractical for every person holding captive-bred Endangered or Threatened wildlife to have a permit that will insure full technical compliance with the law when routine practices of animal husbandry are involved.

The prohibitions of the Act most relevant to captive wildlife, other than "taking" are importation, exportation, and interstate or foreign commerce. Difficulties with importation have been discussed above. The only form of importation acceptable to the Service under less-restrictive rules would be the return of individuals of captive wildlife that were previously exported from the United States and that are identifiable as originating in this country.

Exportation does not pose the same risks to wild populations as does importaton. However, exportation could lead to misuse of captive wildlife if specimens are not used for purposes intended to enhance the propagation or survival of the species. Present rules for CSSP's allow exportation and reimportation, but only for a specified transaction or series of transactions to avoid an unrestricted drain of animals from the CSSP. If there is sufficient evidence that exporation is for the purpose of enhancing the propagation or survival of the species, and that the foreign recipient is qualified to conduct related activities, the Service believes it is appropriate to allow exportation of captive-bred wildlife under less-restrictive rules.

Interstate commerce in captive-bred wildlife has been difficult to regulate because transfers of wildlife are often characterized as breeding loans instead of commercial transactions. In addition, many persons do not see the use of prohibiting interstate commerce when commerce within a state is not controlled. Some other persons would like to see commercial activities with Endangered and Threatened wildlife banned altogether. The Service recognizes that interstate commerce is an important element of captive wildlife propagation, and that it is allowable under the Act when conducted to enhance the propagation or survival of the species. A total ban on interstate commerce would substantially reduce the funds available for captive propagation.

Accordingly, the Service proposes to reduce controls on interstate commerce in captive-bred wildlife provided this activity is to enhance propagation or survival?

(4) *Should the regulations be limited to living specimens?* The purpose of this proposal is to improve regulations with regard to conservation of Endangered and Threatened species by facilitating those activities involved with enhancing their propagation or survival. The Service is therefore concerned with activities involving living wildlife, not dead wildlife or its products. There might be situations where interstate or foreign commerce in products of captive-bred wildlife actually enhances the propagation or survival of the species. However, such situations might also present a risk to the survival of both wild and captive populations. It appears best to retain strict control of such activities under the normal permit provisions of 50 CFR Part 17.

Disposition of dead specimens of captive-bred wildlife would not require permits or the Service's prior approval unless it involved one of the activities prohibited by the Act. If such were the case, permits would be required in accordance with existing regulations. These requirements might entail delays, but urgency is not as important for dead specimens as for living ones. Public comments on the advance notice have not raised this issue. It does not appear to be a significant problem with the species under consideration.

(5) *To whom should the regulations apply?* Under the CSSP regulations, there are strict criteria for determining the species that may be included as well as the persons who are eligible for permits. The philosophy behind the CSSP system was that slightly relaxed controls would facilitate captive propagation of wildlife by qualified persons while preventing any abuses. The present proposal is based on a different proposition: That activities involving captive wildlife should be regulated only to the extent necessary to conserve the species, with emphasis on the conservation of wild populations.

A consequence of this approach is that the Service does not wish to place heavy burdens of paperwork on persons who seek to take, export, or engage in interstate or foreign commerce with captive-bred exotic wildlife. The Service proposes to require that any person who wants to conduct such activities must register with the Service. Registration requirements would be minimal. They would be based on standards set by the U.S. Department of Agriculture under the animal Welfare Act (9 CFR Parts 2 and 3). These standards, which apply to all warmblooded animals (mammals and birds), are generally adequate to insure proper care of wildlife. Similar standards, with appropriate modifications would be required of persons maintaining coldblooded animals.

A significant difference between this proposed requirement and the existing one for permits is that persons would no longer need to demonstrate to the Service their prior experience in caring for a particular type of wildlife or describe the containers and treatment for wildlife being transported or temporarily stored. Persons who are already registered or licensed by the Department of Agriculture would need only to show such registration or license in order to register with the Service. One benefit of this arrangement is that it would eliminate overlapping requirements of the two federal agencies. Another benefit is that persons who want to start breeding wildlife would be able to do so if they have suitable facilities, even if they do not have prior experience with the species in question. It should be kept in mind that intrastate sale and interstate noncommercial transfer of captive wildlife presently occur without need for permits, unless the particular specimens were originally acquired under a permit that requires prior approval of transfers as one of its conditions. Many persons are able to acquire captive-bred Endangered or Threatened wildlife without a permit under existing regulations.

To simplify registration, the Service intends to inform persons now holding valid CSSP permits or other Endangered or Threatened species permits for captive-bred exotic wildlife that they need only write the Service to request registration. Information on file in support of their permit application should suffice for registration under the proposed regulations.

(6) *How will the Service monitor activities involving captive-bred wildlife?* The Service needs to know what is happening to captive-bred populations of Endangered and Threatened species for several reasons:

(a) Such information will indicate whether or not the public complies with the regulations;

(b) The information will aid the Service in determining the effectiveness of its regulations in conserving wildlife; and

(c) The information may be used to facilitate the transfer of wildlife between persons who have surpluses to relocate or who need breeding stock.

Many zoos participate in the International Species Inventory System (ISIS), a computerized system that keeps track of wildlife in captivity. ISIS was developed with the support of the Service to improve management of captive wildlife. Each participating institution is supplied with information on the species, number, sex, age and location of wildlife in all member institutions. The Service does not now have the resources to duplicate this system or to provide a similar one for persons or institutions not participating in ISIS, despite its obvious value. When the Service's permit files are computerized, certain of this information may be accessible on a current basis to aid the public.

Specific types of information that the Service proposes to request from registrants are:

(a) Reports of each transaction involving an otherwise prohibited activity within ten days of its completion (these activities include export, import of previously exported wildlife, and interstate or foreign commerce);

(b) Written descriptions of the identifying marks on any captive-bred wildlife that is to be exported and later reimported, submitted to the Service prior to export;

(c) Semiannual written reports of any taking of captive-bred wildlife that results in its death or permanent loss of reproductive ability; and

(d) In the case of exportation to another person, documentary evidence that the recipient has adequate facilities and expertise, and that the recipient will use the wildlife to enhance the propagation or survival of the species.

In conclusion, the Service has found that the conservation of Endangered and Threatened species in captivity would be improved by reducing regulatory controls. Evidence supports a finding that normal practices of animal husbandry, the accumulation, holding and transfer of surplus wildlife, and the live exhibition of wildlife to educate the public about the ecological role and conservation needs of the species are activities that are beneficial for the purpose of enhancing propagation or survival. Accordingly, the Service proposes to permit such activities under conditions that will provide sufficient regulatory control without impeding the activities. Although the Service's primary concern is conservation of wild populations, there are valid reasons for extending this concern to captive populations of the same biological species: They can be used to bolster or restock wild populations, they provide an alternative to wild populations, as a source of animals for research or other uses, and they provide opportunities for research that can benefit wild populations. The Act explicitly provides that permits may be issued for persons to otherwise prohibited activities for the purpose of enhancing the propagation or survival of the affected species. If wild populations are sufficiently protected from unauthorized taking, the Service believes that a wide range of activities involved in propagation and maintenance of wildlife may be permitted for this purpose, when it can be shown that they would not be detrimental to the survival of wild or captive populations of the species.

Accordingly, it is proposed to amend Part 17, Title 50 of the Code of Federal Regulations as follows:

§ 17.3 [Amended]

1. In § 17.3, insert the following definitions between the definitions of "Authentic native articles of handicrafts and clothing" and "Endangered:"

* * * * *

"Bred in captivity" refers to progeny of wildlife, including eggs, born or otherwise produced in captivity from parents that mated or otherwise transferred gametes in captivity, if reproduction is sexual, or from parents that were in captivity when development of the progeny began, if reproduction is asexual. The parental breeding stock must be (1) established in a manner not detrimental to the survival of the species in the wild, (2) maintained without augmentation from the wild except for the occasional addition of animals, eggs or gametes from wild populations to prevent deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material and not by other factors, and (3) managed in a manner designed to maintain the breeding stock indefinitely. A parental breeding stock shall be considered to be managed in a manner designed to maintain it indefinitely only if it is managed in a manner that has been demonstrated to be capable of

reliably producing second-generation offspring in captivity.

"Captivity" means that living wildlife is held in a controlled environment that is intensively manipulated by man for the purpose of producing the selected species, and that has boundaries designed to prevent animals, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of captivity may include but are not limited to artificial housing, waste removal, health care, protection from predators, and artificially supplied food.

* * * * *

§ 17.3 [Amended]

2. § 17.3, replace the definition of "Enhance the survival," "Enhancing the survival," or "Enhancement of survival" with the following definition:

* * * * *

"Enhance the propagation or survival," when used in reference to wildlife that is in captivity, includes but is not limited to the following activities when it can be shown that such activities would not be detrimental to the survival of the wild or captive populations of the species in question:

(a) Provision of health care, management of populations by culling contraception, euthanasia, grouping or handling of wildlife to control survivorship and reproduction, and similar normal practices of animal husbandry needed to maintain captive populations that are self-sustaining and that possess as much genetic vitality as possible;

(b) Accumulation and holding of living wildlife that is not immediately needed or suitable for propagative or scientific purposes, and the transfer of such wildlife between persons in order to relieve crowding or other problems hindering the propagation or survival of the captive populations at the location from which the wildlife would be removed; and

(c) Live exhibition of wildlife in a manner designed to educate the public to the ecological role and conservation needs of the species.

§ 17.7 [Deleted]

3. Delete § 17.7 entirely.

§ 17.11 [Amended]

4. In § 17.11, delete the last sentence of paragraph (c) that reads as follows: "The addition of the letters "C/P" in parentheses indicates that the reason for designating the species as threatened is that it constitutes a captive, self-sustaining population."

§ 17.11 [Amended]

5. In § 17.11, delete the following species entries from the list of endangered or threatened wildlife.

Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
MAMMALS							
Jaguar	Panthera onca	In capitivity in U.S.	N/A	Entire	T(C/P)	22	N/A
Lemur, black	Lemur macaco	do	N/A	Entire	T(C/P)	22	N/A
Lemur, ringtailed	Lemur catta	do	N/A	Entire	T(C/P)	22	N/A
Leopard	Panthera pardus	do	N/A	Entire	T(C/P)	22	N/A
Tiger	Panthera tigris	do	N/A	Entire	T(C/P)	22	N/A
BIRDS							
Pheasant, browneared.	Crossoptilon mantchuricum.	In Captivity in U.S.	N/A	Entire	T(C/P)	22	N/A
Pheasant, Edward's	Lophura edwardsi	do	N/A	Entire	T(C/P)	22	N/A
Pheasant, bar-tailed	Syrmaticus humiae	do	N/A	Entire	T(C/P)	22	N/A
Pheasant, Mikado	Syrmaticus mikado	do	N/A	Entire	T(C/P)	22	N/A
Pheasant, Palawan peacock.	Polyplectron emphanum	do	N/A	Entire	T(C/P)	22	N/A
Pheasant, Swinhoe's.	Lophura swinhoii	do	N/A	Entire	T(C/P)	22	N/A

§ 17.21 [Amended]

6. In § 17.21, add a new paragraph (c)(6) as follows:

* * * * *

(c) * * *

(6) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife that is bred in captivity in the United States provided: (i) The wildlife is of a species whose natural range of geographic distribution does not now include any part of the United States, or the wildlife is of a species for which the Service has determined the wild populations to be sufficiently secure from unauthorized taking in accordance with paragraph (h) of this section; (ii) the purpose of such taking is to enhance the propagation or survival of the affected species; and (iii) the person taking such wildlife maintains accurate written records of any taking that results in the death or permanent loss of reproductive potential of the wildlife, and submits a semiannual written report of any such taking to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, by June 30 and December 31 of each year.

* * * * *

§ 17.21 [Amended]

7. In § 17.21, add a new paragraph (g) as follows:

* * * * *

(g)(1) Notwithstanding paragraphs (b), (e) and (f) of this section, any person may (i) import or export, (ii) deliver, receive, carry, transport or ship in interstate or foreign commerce in the course of a commercial activity, or (iii) sell or offer for sale in interstate or foreign commerce any living wildlife that is bred in captivity in the United States provided: (i) The wildlife is of a species whose natural range of geographic distribution does not now include any part of the United States, or the wildlife is of a species for which the Service has determined the wild populations to be sufficiently secure from unauthorized taking in accordance with paragraph (h) of this section (ii) the purpose of such activity is to enhance the propagation or survival of the affected species; (iii) each specimen of the wildlife is uniquely and permanently identified by a band, tattoo, or other mark that is reported in writing to an official of the Service at the port of export prior to export, if such wildlife is to be subsequently imported; (iv) the Service has received evidence sufficient to indicate that any person receiving such wildlife is able to properly maintain the wildlife, as specified in paragraph (g)(2) or (g)(3) of this section; and (v) any person subject to the jurisdiction of the United States who transfers or receives such specimens maintains accurate written records of all such transactions and reports each such transaction to the Service within 10 days after completing the transaction, using reporting forms provided by the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service Washington, D.C. 20240.

(2) Prior to engaging in any of the activities authorized in paragraph (g)(1)

of this section any person subject to the jurisdiction of the United States seeking to receive wildlife must register with the Service. Requests for registration must be accompanied by documentary evidence that (i) the person is a licensee or registrant under the Animal Welfare Regulations of the U.S. Department of Agriculture (9 CFR Part 2); (ii) the person complies with the specifications of the U.S. Department of Agriculture for the humane handling, care, treatment, and transportation of warmblooded animals (9 CFR Part 3), or (iii) the person has adequate facilities and expertise for the humane handling, care, treatment and transportation of coldblooded animals, as appropriate. Registration will remain in effect only so long as subdivision (ii) or (iii) of this subparagraph continues to be applicable. Requests for registration must be sent to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

(3) Prior to engaging in any of the activities authorized in paragraph (g)(1) of this section, any person subject to the jurisdiction of the United States seeking to export wildlife to another person must provide the Service with documentary evidence demonstrating to the satisfaction of the Service that the proposed recipient of the wildlife has adequate facilities and expertise for the proper handling, care, and treatment of such wildlife, and that the recipient will use the wildlife for purposes of enhancing the propagation or survival of the affected species. Such evidence must be sent to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

* * * * *

§ 17.21 [Amended]

8. In § 17.21, add a new paragraph (h) as follows:

* * * * *

(h)(1) The Service shall use the following criteria in determining if wildlife bred in captivity of any species whose natural range of geographic distribution includes any part of the United States is eligible for the provisions of paragraphs (c)(6) and (g) of this section: (i) Whether there is a low demand for taking of the species from wild populations, either because of the success of captive breeding or because of other reasons; and (ii) whether the wild populations of the species are effectively protected from unauthorized taking as a result of the inaccessibility of their habitat to man or as a result of the effectiveness of law enforcement.

(2) In accordance with the criteria in paragraph (h)(1) of this section, the Service has determined the following species to be eligible for the provisions of paragraphs (c)(6) and (g) of this section:

Laysan teal *(Anas laysanensis).*

§ 17.31 [Amended]

9. In § 17.31, revise paragraph (a) to read as follows:

(a) Except as provided in Subpart A of this part, or in a permit issued under this subpart, all of the provisions in § 17.21 (a) through (c)(4), (c)(6), (g) and (h) shall apply to threatened wildlife.

* * * * *

§ 17.33 [Deleted]

10. Delete § 17.33 entirely.

This proposed rule is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884, as amended), and was prepared by Dr. Richard L. Jachowski, Federal Wildlife Permit Office.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044.

Dated: May 17, 1979.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 79-16077 Filed 5-22-79; 8:45 am]

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federal register

Wednesday
May 23, 1979

Part IV

Department of Energy

Semiannual Agenda of Regulations; National Energy Act Supplement

DEPARTMENT OF ENERGY

[10 CFR Chs. II, III, and X]

Semiannual Agenda of Regulations; National Energy Act Supplement

AGENCY: Department of Energy.

ACTION: Notice of Regulations Under Development or Review.

SUMMARY: The Department of Energy (DOE) is publishing an agenda of regulations under development or review as of April 6, 1979.

FOR FURTHER INFORMATION CONTRACT: Kristina Clark (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–6744.

SUPPLEMENTARY INFORMATION: Executive Order 12044, "Improving Government Regulations," promulgated by the President on March 23, 1978 requires every federal agency to publish semiannually an agenda of its significant regulations currently under development or review. One of the objectives of the Order is to encourage greater public involvement at an early stage in the regulatory process. DOE implemented Executive Order 12044 by a Departmental Order (DOE 2020.1) issued December 18, 1978 and published January 3, 1979 (44 FR 1032), which established April and October of each year as the months during which DOE would publish a semiannual agenda of regulations in the **Federal Register**.

The Departmental Order requires that the agenda include *all* regulations currently being developed or reviewed. For each regulation that is *significant* (as defined in the Departmental Order) the agenda will state the need and legal basis for the regulation, its status, whether a regulatory analysis will be required, and the name and telephone number of a knowledgeable agency official.

Appended to this Notice is DOE's April, 1979, regulatory agenda. In an attempt to be as comprehensive as possible, the agenda is intended to include those DOE regulations, both significant and non-significant, that are under development or review as of April 6, 1979.

DOE has issued two prior agendas of regulations. DOE's first semiannual agenda appeared in the **Federal Register** on October 31, 1978 (43 FR 50812). A supplemental agenda of regulations under development as a result of National Energy Act legislation was published on March 30, 1979 (44 FR 19178).

If you would like your name to be placed on a mailing list to receive copies of this and future semiannual agendas of regulations, please send your request to: Emmett Gavin, Department of Energy, Forrestal Building, Room 7B118, Washington, D.C. 20585.

The next semiannual agenda is scheduled to be published in October, 1979.

Issued in Washington, D.C. this 10th day of May, 1979.

James R. Schlesinger,
Secretary.

ENVIRONMENT

1. Implementation of Floodplain and Wetlands Executive Orders

DOE was required to issue regulations with respect to floodplain management. The Office of Environment proposed to combine the floodplain regulations with related wetlands requirements into one set of procedures to be coordinated with existing NEPA regulations.

No regulatory analysis was required.

Status: A final rule was published March 7, 1979 (44 FR 12594)

Authority: Executive Order 11988; Executive Order 11990.

Contact: Carol Borgstrom, (202) 633–9760.

2. DOE NEPA Implementing Procedures

DOE will propose guidelines implementing the Council on Environmental Quality regulations for compliance with the National Environmental Policy Act.

A regulatory analysis is not required.

Status: No notice has been issued.

Statutory authority: National Environmental Policy Act of 1969; E.O. 11514, as amended.

Contact: Robert Stern, (202) 376–5998.

CONSERVATION

1. Weatherization Assistance

DOE has proposed amendments to existing Weatherization Assistance Regulations for the purpose of improving efficiency of program administration.

A regulatory analysis is not required.

Status: A final rule was issued December 27, 1978 (44 FR 31, January 2, 1979).

Authority: Energy Conservation and Production Act, Title IV, Part A, Pub. L. 94–385.

Contact: Mary Bell, (202) 376–1801.

2. Weatherization Assistance Program Amendments

In this rule, DOE will revise existing program regulations to reflect all NEA changes, except for procedures to determine the optimum set of cost-effective measures for weatherizing each particular dwelling. Revisions include changes in maximum cost per dwelling unit, allowable expenditures, state waiver procedures, and income eligibility. (The rulemaking on the procedures for determining cost-effective measures appears elsewhere in this Agenda and is entitled "Revised Approach to Weatherization of Dwelling Units.")

A notice of proposed rulemaking (NOPR) was issued February 14, 1979. (44 FR 10348, February 16, 1979.)

A regulatory analysis is not required.

Statutory deadline: NOPR for amended regulations—60 days after enactment; Final rule—120 days after enactment.

Statutory authority: National Energy Conservation Policy Act, Pub. L. 95–619, Section 231.

Contact: Mary Bell, (202) 376–1801.

3. Revised Approach to Weatherization of Dwelling Units

The proposed changes would revise and simplify the approach to weatherization currently required by Project Retro-Tech, a four volume conservation paper issued by DOE. The proposed changes would require a State to develop as part of a State plan, a list of weatherization measures, by building type, ranked in order of cost-effectiveness. Upon approval of the DOE Regional Representative, a State would be required to include the list in copies of Project Retro-Tech to be used by program operators in the State.

A regulatory analysis is not required.

Status: A proposed rule was issued on April 6, 1979. (44 FR 22608, April 16, 1979.)

Statutory deadline: Proposal to be published in the **Federal Register** 60 days after enactment of National Energy Conservation Policy Act; Final rule 120 days after enactment.

Statutory authority: Sec. 231 National Energy Conservation Policy Act, Pub. L. 95–619.

Contact: Mary Bell, (202) 376–1801.

4. Electric and Hybrid Vehicle Loan Guarantees

DOE plans to amend the Electric and Hybrid Vehicle Loan Guarantee Program to clarify program coverage.

It has not been determined whether a regulatory analysis is required.

Status: A notice of proposed rulemaking was issued on January 15, 1979 (44 FR 4418, January 19, 1979).

Authority: Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, as amended.

Contact: Anthony Ewing, (202) 376–4747.

5. Electric and Hybrid Vehicle Planning Grants

DOE will promulgate rules to establish the requirements for grants to small businesses under the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976.

A regulatory analysis is not requred.

Status: A notice of proposed rulemaking has not yet been issued.

Authority: Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, as amended.

Contact: Anthony Ewing, (202) 376–4747.

6. Electric and Hybrid Vehicle Performance Standards for Demonstrations

DOE plans to amend the regulations which prescribe minimum performance standards for electric or hybrid vehicles purchased or leased for use in deomonstration projects to be conducted by DOE.

It has not been determined whether a regulatory analysis is required.

Status: A notice of inquiry was issued on March 3, 1979 (44 FR 12685, March 8, 1979).

Statutory Authority: Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1076, as amended.

Contact: Anthony Ewing, (202) 376–4747.

Hearings will be held.

7. Identify Consumer Product Types Which May Be Subject to Minimum Energy Efficiency Standards

DOE will publish a notice listing those types of covered products which may be subject to energy efficiency standards. Criteria for selecting these types of covered products includes considering the average annual per-household energy use of individual types of consumer products.

The notice has not yet been issued.

A regulatory analysis is not required.

Statutory deadline: Not later than November 1980.

Statutory authority: Energy Conservation and Production Act Section 325(a)(2) (Pub. L. 94–385), as amended by National Energy Conservation Policy Act, Section 422 (Pub. L. 95–619).

Contact: James A. Smith, (202) 376–4814.

8. Representative Average Unit Costs of Energy

DOE will issue a notice providing representative average unit costs of energy which are to be used in determining operating costs of certain consumer products.

A regulatory analysis is not required.

Status: A notice was previously issued July 15, 1977. A notice updating these figures is expected to be issued by May 1979.

Statutory authority: Sec. 323, Energy Policy and Conservation Act, Pub. L. 94–163.

Contact: James A. Smith, (202) 376–4814.

Hearings will not be held.

9. Sampling Requirements for Consumer Product Test Procedures

DOE intends to amend the sampling requirements for consumer product test procedures to include provisions applicable to testing for labeling under section 324 of EPCA and representatives under section 323(c) of EPCA.

A regulatory analysis was not required.

Status: A final rule was issued April 6, 1979 (44 FR 22410, April 13, 1979).

Statutory authority: Sec. 323, Energy Policy and Conservation Act, (Pub. L. 95–163).

Contact: James A. Smith, (202) 376–4814.

Hearings have been held.

10. Amendment to Central Air Conditioner Test Procedures

DOE plans to amend the existing central air conditioner test procedures to include heat pumps. Heat pumps were not included the original central air conditioner test procedures because proposed test procedures for heat pumps had not yet been developed.

No regulatory analysis will be required.

Status: A notice of proposed rulemaking was published April 19, 1979. (44 FR 23469.)

Authority: Energy Policy and Conservation Act, Section 323, Pub. L. 94–163, as amended by the National Energy Conservation Policy Act, Pub. L. 95–619.

Contact: James A. Smith, (202) 376–4814.

11. Amendment to Room Air Conditioner Test Procedures

DOE intends to amend its test procedures for room air conditioners, prescribed under the Energy Conservation Program for Consumer Products, to provide an alternative method for measuring the energy consumption of package terminal air conditioners.

It has not been determined whether a regulatory analysis is required.

Status: A notice of proposed rulemaking has not yet been issued.

Statutory authority: Sec. 323, Energy Policy and Conservation Act, (Pub. L. 94–163).

Contact: James A. Smith, (202) 376–4814.

Hearings will be held.

12. Amendment to Water Heater Test Procedures

DOE intends to amend the test procedures for water heaters, established as part of the energy efficiency program for consumer products, to add procedures for deriving another measure of energy consumption which is likely to assist consumers in making purchasing decisions.

A regulatory analysis was not required.

Status: A notice of proposed rulemaking has not yet been issued.

Statutory authority: Sec. 323, Energy Policy and Conservation Act, (Pub. L. 94–163).

Contact: James A. Smith, (202) 376–4814.

Hearings will be held.

13. Amendment to Furnace Test Procedures

DOE intends to amend its test procedures for furnaces, prescribed under the Energy Conservation Program for Consumer Products, to produce more accurate measures of the energy consumption of pulse combustion furnaces and condensing furnaces.

It has not been determined whether a regulatory analysis is required.

Status: A notice of proposed rulemaking has not yet been issued.

Statutory authority: Sec. 323, Energy Policy and Conservation Act, (Pub. L. 94–163).

Contact: James A. Smith, (202) 376–4814.

Hearings will be held.

14. Amendment to Test Procedures for Refrigerators, Refrigerator-Freezers, and Freezers

DOE is considering amending its test procedures for refrigerators, refrigerator-freezers, and freezers, prescribed under the Energy Conservation Program for Consumer Products; to simplify the test procedures.

It has not been determined whether a regulatory analysis is required.

Status: A notice of proposed rulemaking has not yet been issued.

Statutory authority: Sec. 323, Energy Policy and Conservation Act, (Pub. L. 95–163).

Contact: James A. Smith, (202) 376–4814.

Hearings will be held.

15. Energy Efficiency Standards for Nine Types of Consumer Products

DOE will establish minimum energy efficiency standards for nine product types: refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, kitchen ranges and ovens, furnaces, central air conditioners, home heating equipment (not including furnaces), and clothes dryers.

An advance notice of proposed rulemaking was January 2, 1979. A notice of proposed rulemaking has not yet been issued. (44 FR 49.)

Statutory deadline: Final rule no later than January 1981.

Statutory authority: Energy Conservation and Production Act, Section 325 (Pub. L. 94–385), as amended by National Energy Conservation Policy Act, Section 422 (Pub. L. 95–619).

Contact: Jim Smith, (202) 376–4814.

16. Energy Efficiency Standards for Four Types of Consumer Products

DOE will establish minimum energy efficiency standards for four product types: humidifiers/dehumidifiers, clothes washers, television sets and dishwashers.

An advance notice of proposed rulemaking (NOPR) has not yet been issued.

Statutory deadline: Advance NOPR no later than November 1979. Final rule no later than November 1981.

A regulatory analysis will be completed.

Statutory authority: Energy Conservation and Production Act, section 325 (Pub. L. 94–385), as amended by National Energy Conservation Policy Act, Section 422 (Pub. L. 95–619).

Contact: James Smith, (202) 376–4814.

17. Federal Agency Energy Conservation Planning Guidelines and Energy Audits

DOE will promulgate guidelines containing requirements and procedures which individual federal agencies will use in preparing energy conservation plans for federal buildings.

A regulatory analysis is not required.

Status: No notice concerning the guidelines has yet been published. A notice of proposed rulemaking was issued April 20, 1979. (44 FR 24800.)

Authority: Title III of the Energy Policy and Conservation Act, as amended (Pub. L. 94–163); Title V, National Energy Conservation Policy Act, (Pub. L. 95–619).

Contact: William Rhodes, (202) 376–4017.

18. Reporting Guidelines for Municipal Waste Reprocessing Demonstration Program

Section 20 of the Federal Non-nuclear Energy Research and Development Act of 1974, as amended, provides for financial assistance to establish municipal waste reprocessing demonstration facilities. Guidelines are required to obtain pertinent information about projects funded by DOE under section 20.

It has not been determned whether a regulatory analysis is required. No notice has yet been published.

Statutory authority: Section 20 of the Federal Non-nuclear Energy Research and Development Act of 1974, as amended, (Pub. L. 95–238).

Contact: Donald Walter, (202) 376–1964.

Hearings will be held.

19. Price Support Rules for Municipal Waste Reprocessing Demonstration Program

DOE will promulgate rules setting forth the procedures and policies governing the award of price supports as financial assistance to facilitate establishment of municipal waste reprocessing demonstration facilities.

It has not been determined whether a regulatory analysis is required.

Status: An advance notice of proposed rulemaking is under preparation.

Statutory authority: Section 20 of the Federal Non-nuclear Energy Research and Development Act of 1974, as amended (Pub. L. 95–238).

Hearings will be held.

20. Municipal and Industrial Waste Reprocessing Loan Guarantees

DOE will promulgate rules enabling DOE to guarantee loans for municipal and industrial waste reprocessing.

It has not been decided whether a regulatory analysis is required.

Status: No notice concerning the regulation has yet been published.

Authority: Federal Nonnuclear Energy Research and Development Act of 1974, Section 19(y), Pub. L. 93–577, as amended.

Contact: Don Walter, (202) 376–1964.

Federal Photovoltaic Utilization Program

DOE will develop regulations for the monitoring and assessment of the performance and operation of photovoltaic systems installed under the Federal Photovoltaic Utilization Program.

A notice of proposed rulemaking has not yet been issued.

A regulatory analysis is not required.

Statutory authority: National Energy Conservation Policy Act, Section 566(2), (Pub. L. 95–619).

Contact: Elaine Smith, (202) 376–5931.

22. Guidelines for the Program for State Energy Conservation Plans

DOE has issued guidelines amending program guidelines issued under the Energy Policy and Conservation Act.

A final rule was issued March 29, 1979 (44 FR 20055, April 4, 1979).

No regulatory analysis was required.

Statutory authority: Energy Policy and Conservation Act, Title III, Part C (Pub. L. 94–163) as amended by Energy Conservation and Production Act (Pub. L. 94–385) and National Energy Conservation Policy Act (Pub. L. 95–619).

Contact: Sandra Delaney, (202) 376–1797.

Life Cycle Costing Procedures for Federal Buildings

DOE will develop and prescribe procedures for estimating and comparing life cycle costs for purchase and installation of energy conservation measures for Federal buildings.

A notice of proposed rulemaking has not yet been issued.

A regulatory analysis is not required.

Statutory authority: Section 545 of the National Energy Conservation Policy Act, (Pub L. 95–619), Section 381 (a)(2) of the Energy Policy and Conservation Act, as amended (Pub. L. 94–163); Executive Order 11912, as amended.

Contact: Jack Vitullo, (202) 376–4017.

24. Energy Audits—Schools, Hospitals, and Local Public Buildings

DOE has developing guidelines for state grants to conduct data-gathering and to administer operations/maintenance identification audits in institutional buildings.

A final rule was issued March 27, 1979 (44 FR 19340), April 2, 1979.

A regulatory analysis was not required.

Statutory deadline: Within 60 days of enactment.

Statutory authority: National Energy Conservation Policy Act, Section 302, (Pub. L. 95–617).

Contact: M. Willingham, (202) 376–9770.

25. Technical Assistance and Energy Conservation Measures—Schools, Hospitals, Local Public Buildings

DOE will promulgate regulations for grants to schools, hospitals, local governments and public care institutions for technical assistance and energy conservation measures.

A notice of proposed rulemaking was publishing January 5, 1979. Final rules were issued April 2, 1979 (44 FR 19340) and April 17, 1979. (44 FR 22940).

A regulatory analysis will be completed.

Statutory deadline: Within 90 days of enactment.

Statutory authority: National Energy Conservation Policy Act, (Pub. L. 95–619).

Contact: M. Willingham, (202) 376–9770.

26. Industrial Energy Conservation Program

DOE will establish requirements and issue report forms for major energy consuming corporations to report to DOE on their annual energy consumption and their progress in improving energy efficiency. DOE also will set targets for increased use of energy-saving recovered materials for specified industries, i.e., metals and metal products, paper and allied products, textile mill products and rubber, and establish requirements for reporting on progress made to increase use of recovered materials by major energy consuming corporations in these industries.

A notice of proposed rulemaking has not yet been issued.

It has not been determined whether a regulatory analysis is required.

Statutory deadline: Final targets by November 1979.

Statutory authority: Energy Policy and Conservation Act, Title III, Part D, Pub. L. 94–163, as amended by National Energy Conservation Policy Act, Pub. L. 95–619.

Contact: Douglas Harvey, (202) 376–4113.

27. Demonstration of Solar Heating and Cooling in Federal Buildings

DOE will develop criteria for evaluation of agency-submitted proposals for installing solar heating and cooling systems in Federal buildings and requirements for operating and maintenance reports.

A notice of proposed rulemaking was published in the **Federal Register** April 2, 1979. An environmental assessment will be completed. (44 FR 19328.)

Statutory authority: National Energy Conservation Policy Act, Sections 521–524 (Pub. L. 95–619).

Contact: W. Lemeshewsky, (202) 376–9622.

28. Building Energy Performance Standards

DOE intends to propose federal standards for new residential and commercial buildings.

A regulatory anaylsis will be completed.

Status: An advance notice of proposed rulemaking was issued November 10, 1978 (43 FR 54512, November 21, 1978).

Authority: Title III of the Energy Conservation and Production Act, Pub. L. 94–385.

Contact: Jim Binkley, (202) 376–4888.

29. Residential Conservation Service Program (Utility Program)

DOE will develop regulations to implement Part 1 of Title II of NECPA, which provides for programs to facilitate retrofitting of energy conservation measures in existing private residences.

A notice of proposed rulemaking was issued March 12, 1979, (44 FR 16546, March 19, 1979).

A draft regulatory analysis has been completed.

Statutory deadline: NOPR by March 2, 1979.

Statutory authority: NECPA, National Energy Conservation Policy Act, Part 1, Title 2, Pub. L. 95–619.

Contact: Jim Tanck, (202) 376–4708.

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

1. Comprehensive EEO Regulations for all Federally Assisted DOE Programs and Activities

EEO will develop comprehensive regulations to implement the Equal Employment Opportunity Requirements for all Federally assisted DOE programs and activities.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was published November 16, 1978. (43 FR 53658.)

Statutory authority: Rehabilitation Act of 1973, Sec. 504; E.O. 11914; Title VI of 1964 Civil Rights Act.

Contact: Marion Bowden, (202) 376-4663.

GENERAL COUNSEL

1. Proposed Regulations on Standards of Conduct for Department of Energy Employees

DOE is preparing regulations prescribing standards of conduct for employees of DOE as mandated by DOE Organization Act, section 601-608.

No regulatory analysis is required.

Status: A final rule was issued April 13, 1979. (44 FR 24696, April 26, 1979.)

Authority: DOE Organization Act, section 601-608 (Pub. L. 95-91).

Contact: Ralph D. Goldenberg.

2. Privacy Act Regulations

DOE will promulgate regulations to implement DOE compliance with 5 U.S.C. 552(a), the Privacy Act of 1974. The rulemaking will provide Department-wide regulations to replace Privacy Act regulations implemented by FEA and ERDA which are presently in force.

A regulatory analysis is not required.

Status: No notice concerning the regulations has yet been published. DOE is proposing a consolidation and renumbering of Privacy Act systems of records transferred to it from its predecessor agencies.

Authority: Department of Energy Organization Act, Pub. L. 95-91 and authorities incorporated by reference therein; 5 U.S.C. 552(a).

Contact: Marilyn Ross, (202) 633-9296.

3. Administrative Claims Under Federal Tort Claims Act

DOE will issue regulations to implement the Federal Tort Claims Act, 28 U.S.C. 2672, *et seq.*, and supplementing the Attorney General's regulations, 28 CFR Part 14. The rulemaking will provide department-wide regulations and procedures for the administration of tort claims against the DOE. These matters are presently implemented and processed under ERDA and Department of Justice implementation as applicable.

A regulatory analysis is not required.

Status: No notice concerning these regulations has been published.

Authority: DOE Organization Act, (Pub. L. 95-91); the Federal Tort Claims Act, 28 U.S.C. 2672.

Contact: Richard E. Benesh, (202) 633-8653.

4. DOE Licensing Regulations

This regulation governs licensing of inventions owned or controlled by the Department of Energy. It is needed to provide guidance to the public on procedures for obtaining non-exclusive and exclusive licenses and on standards under which such licenses may be granted and the terms and conditions of the licenses.

No regulatory analysis is required.

Status: No notice concerning this regulation has yet been published.

Authority: Federal Nonnuclear Energy Research and Development Act of 1974, 42 U.S.C. 5908(g); the Atomic Energy Act of 1954 as amended, 42 USC 2186 and general authorities available to the Department due to transfer of functions from other agencies under the DOE Organization Act and other acts.

Contact: Robert Marchick, (301) 353-4970.

5. DOE Administrative Patent and Copyright Infringement Claims

The regulation will provide policy and procedures for filing and processing administrative claims alleging infringement of U.S. patents and copyright by or on behalf of the Department of Energy. The regulation is needed to provide guidance to the public as to requirements and procedures that will be followed in settling, denying, or otherwise disposing of administrative infringement claims.

No regulatory analysis is required.

Status: No notice concerning this regulation has yet been published.

Authority: Department of Energy Organization Act, 42 U.S.C. 7261, Energy Reorganization Act, 42 U.S.C. 5817; Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201 (g), 2223.

Contact: Jack Lever, (301) 353-5093.

6. Regulations for Implementation of the Foreign Gifts and Decorations Act

DOE will propose regulations to establish procedures and policies relating to the acceptance, use and disposition of gifts and decorations from foreign governments.

A regulatory analysis is not required.

Status: No notice concerning this regulation has yet been published.

Authority: Foreign Gifts and Decorations Act, 5 U.S.C. 7342, as amended, Pub. L. 95-105 6977.

Contact Ralph Goldenberg, (301) 353-5285.

INTERGOVERNMENTAL RELATIONS

1. Intervenor Funding

DOE is in the process of preparing regulations to provide financial assistance to qualified persons who have or represent an interest which would not otherwise be adequately represented in certain DOE decision-making processes. The regulations are aimed at those matters where DOE determines that such representation is necessary for a fair determination of the matter taken as a whole, and such persons would be unable otherwise to take part because of the costs associated with preparing expert technical comments on proposed DOE actions.

A regulatory analysis is not required.

Status: No notice has yet been published.

Statutory authority: Department of Energy Organization Act, (Pub. L. 95-91, and authorities cited therein).

Contact: Polly Craighill, (202) 252-5871; Emmett Gavin, (202) 252-5454.

Hearings will be held.

OFFICE OF PROCUREMENT AND CONTRACTS MANAGEMENT

1. DOE Organizational Conflicts of Interest

The regulation will provide policies, procedures, and contract clauses concerning organizational conflicts of interest, such as bias and unfair competitive advantage. The regulation is needed to aid in identifying or mitigating potential organizational conflicts of interest before entering into contracts, agreements and other arrangements.

A regulatory analysis is not required.

Status: A final rule was issued January 8, 1979 (44 FR 2556) January 11, 1979.

Authority: Department of Energy Organization Act, P.L. 95-91, Federal Nonnuclear Energy Research and Development Act of 1974 (P.L. 93-577) as amended by Pub. L. 93-39; Federal Energy Administration Act of 1974 (Pub. L. 93-275), as amended by Pub. L. 95-70.

Contact: Martin Kestenbaum, 376-1759.

2. DOE Procurement Regulations

The regulation, along with the Federal Procurement Regulations, governs procurement by the Department of Energy. The regulation is needed to provide a wide range of implementation necessary to the Department's extensive procurement activities.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was published April 14, 1978; a final rule is expected to be issued in May 1979. (43 FR 15852).

Authority: Department of Energy Organization Act, and general authorities available to the Department due to the transfer of functions from agencies conducting substantial procurement (e.g., the Atomic Energy Act of 1954, the Energy Reorganization Act of 1974, and the Federal Nonnuclear Energy Research and Development Act of 1974).

Contact: Martin Kestenbaum, 376-1759.

3. DOE Assistance Regulation

The regulation provides general financial assistance policies and procedures. The regulation is needed to provide guidance to the public as to what requirements must be met and what standards will be followed in making grant awards.

A regulatory analysis is not required.

Status: A final rule was issued March 1, 1979 (44 FR 12920, March 8, 1979).

Authority: Department of Energy Organization Act, section 644, and general

authorities available to the Department due to the transfer of functions from other agencies (e.g. the Federal Nonnuclear Energy Research and Development Act of 1974).

Contact: Carl Blakely, (202) 376–1768.

4. DOE Assistance Regulation (Subpart C—Cooperative Agreements)

The regulation will provide policies and procedures concerning the use of cooperative agreements to award financial assistance. The regulation is needed to provide guidance to the public as to what requirements must be met and what standards will be followed in entering into cooperative agreements.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was issued on March 29, 1979 (44 FR 20594, April 5, 1979).

Authority: Department of Energy Organization Act, § 644, and general authorities available to the Department due to the transfer of functions from other agencies (e.g. the Federal Nonnuclear Energy Research and Development Act of 1974).

Contact: Carl Blakely, (202) 376–1768.

5. DOE Assistance Regulation—Loans, Loan Guarantees, Price Supports, Other Incentives (Subparts D, E, F)

The regulation will provide policies and procedures concerning the use of loans, loan guarantees, price supports, and other methods to award financial assistance. The regulation is needed to provide guidance to the public as to what requirements must be met and what standards will be followed in entering into agreements.

A regulatory analysis is not required.

Status: No notice concerning this regulation has been published.

Authority: Department of Energy Act, section 644, and general authorities available to the Department due to the transfer of functions from other agencies (e.g. the Federal Nonnuclear Energy Research and Development Act of 1974).

Contact: Carl Blakely, (202) 376–1768.

6. DOE Property Management Regulation

The regulation, along with Federal Property Management Regulations (FPMR), will generally govern the management of property of the Department. The regulation is needed to provide implementation of the FPMR necessary to manage the property for which the Department is responsible.

A regulatory analysis is not required.

Status: A final rule was issued December 22, 1978 (44 FR 986 January 3, 1979).

Authority: Department of Energy Act, section 644, and general authorities available to the Department due to the transfer of functions from agencies which had substantial property for which they were responsible (e.g. the Atomic Energy Act of 1954, the Energy Reorganization Act of 1974, and the Federal Nonnuclear Energy Research and Development Act of 1974).

Contact: Francis Roche, (202) 376–1974.

7. DOE Procurement Regulation Handbook No. 1

DOE will publish a procurement regulation handbook to set forth internal policies and procedures for the Department of Energy in source evaluation and selection process.

Status: A proposed handbook was published in the **Federal Register** on January 30, 1979 (44 FR 6038).

Authority: Section 644 DOE Organization Act Pub. L. 95–91, 91 Stat. 565 42 U.S.C. 7254.

A regulatory analysis is not required.

Contact: Martin Kestenbaum, (202) 376–1759.

No hearings are contemplated.

RESOURCE APPLICATIONS

1. OCS Bidding Regulations

DOE is drafting proposed regulations to establish bidding systems to be used in the sale of oil and gas leases on the Outer Continental Shelf (OCS) and to provide coordination betweeen DOE and Department of the Interior in their implementation.

A regulatory analysis will be completed.

Status: No notice concerning the regulation has yet been published.

Authority: Department of Energy Organization Act, Section 302(b)(2) Pub. L. 95–91.

Contact: Robert Kalter, (202) 633–9421.

2. Initial Geothermal Bidding System Regulations

DOE is drafting proposed regulations establishing the bidding system to be used for the sale of geothermal leases on federal lands. The regulations will also establish the procedures to be followed by DOE and Department of the Interior in carrying out their responsibilities regarding geothermal lease sales.

A regulatory analysis will be completed.

Status: No notice concerning the regulation has yet been published.

Authority: Department of Energy Organization Act, Section 302(b)(2), Pub. L. 95–91.

Contact: Robert Kalter, (202) 633–9421.

3. Royalty Oil Regulations.

DOE is preparing proposed regulations regarding the disposal of government royalty oil taken in kind pursuant to section 302(b)(5) of the DOE Organization Act. These regulations would continue in a slightly modified form a program established and administered by the Department of the Interior for the disposal of government royalty oil.

A regulatory analysis will be completed.

Status: No notice concerning the regulation has yet been published.

Authority: Department of Energy Organization Act, Section 302(b)(5), Pub. L. 95–91.

Contact: Robert Kalter, (202) 633–9421.

4. Revision of Geothermal Loan Guaranty Regulations

DOE intends to analyze, simplify and amend the geothermal loan guarantee regulations, including environmental review procedures.

A regulatory analysis will be completed.

Status: A notice of proposed rulemaking was published January 5, 1979. (44 FR 1568.)

Authority: Department of Energy Organization Act, Pub. L. 95–91.

Contact: Larry Falick, (202) 566–6719.

5. Power Rate Adjustment Procedures

Procedures will be established for Federal power authorities to contact their customers and encourage participation in rate-setting procedures. Procedures for public hearings conducted in consumers' communities will be developed.

A regulatory analysis is not required.

Status: No notice concerning the regulation has yet been published.

Authority: Bonneville Project Act Of 1927, as amended.

Contact: Daniel Ogden, (202) 633–8338.

6. Sequential Bidding Regulations

DOE is preparing proposed regulations to establish a new bidding process, known as sequential bidding, for use in certain Outer Continental Shelf (OCS) oil and gas lease sales. The purpose of these regulations is to increase competition by increasing both the number of participants in an OCS lease sale and the number of bids submitted.

A regulatory analysis will be completed.

Status: No notice concerning the regulation has yet been published.

Authority: Department of Energy Organization Act, Section 302(b)(1), Pub. L. 95–91.

Contact: Robert Kalter, (202) 633–9421.

7. Loan Guarantees for Alternative Fuel Demonstration Facilities

DOE will promulgate rules enabling DOE to guarantee loans for alternative fuel demonstration facilities.

It has not been decided whether a regulatory analysis is required.

Status: No notice concerning the regulation has yet been published.

Authority: Federal Nonnuclear Energy Research and Development Act of 1974, Section 19(b), Pub. L. 93–577, as amended.

Contact: Michael Perper, (202) 376–9052.

8. Post-Sale Competitive Review Regulations

DOE is preparing proposed regulations to establish a process by which the Secretary of the Interior would perform a competitive review of bids for Outer Continental Shelf Oil and gas leases prior to their award to the highest qualified responsible bidder. The purpose of the regulation is to foster competition for federal leases.

A regulatory Analysis will be completed.

Status: No notice concerning the regulation has yet been published.

Authority: Department of Energy Organization Act, Section 302(b)(1), Pub. L. 95-91.

Contact: Robert Kalter, (202) 633-9421.

9. Coal Regulations

DOE is in the initial stages of analysis prior to preparation of regulations concerning bidding systems, competition and diligence. The purpose of these regulations would be to foster competition and establish diligence requirements.

Status: No notice concerning the regulation has yet been published.

Authority: Department of Energy Organization Act, Section 302(b)(1), (2)(3), Pub. L. 95-91.

Contact: Robert Kalter, (202) 633-9421.

10. University Coal Research Laboratories Grants

DOE will promulgate rules which set forth criteria for selecting institutions to receive grants to establish university coal research laboratories.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was published on January 22, 1979. (44 FR 4632.)

Authority: Surface Mining Control and Reclamation Act of 1977, Title 8, Pub. L. 95-87.

Contact: Richard Stephens, (202) 376-9188.

11. Hydroelectric Feasibility Study and Project Costs Loan Program

DOE will develop regulations for loans for feasibility studies and for construction costs for small hydroelectric projects.

A notice of proposed rulemaking has not yet been issued.

It has not been determined whether a regulatory analysis is required.

Statutory authority: Public Utility Regulatory Policy Act, Section 403 (Pub. L. 95-617).

Contact: Dick McDonald, (202) 633-8910.

12. OCS Profit Share Bidding System Regulation

DOE is preparing a proposed regulation to establish a profit share bidding system, which would be used in the sale of oil and gas leases on the Outer Continental Shelf. Included is a proposed regulation to establish accounting procedures to govern the calculation of the profit share and the allocation of costs and revenue. A primary purpose of the regulation is to foster competition.

A regulatory analysis will be completed. No notice concerning the regulation has yet been published.

Statutory authority: Department of Energy Organization Act, section 302(b)(2) (Pub. L. 95-91).

Contact: Robert Kalter, (202) 633-9421.

13. Coal Bidding System Regulation

DOE is preparing a proposed regulation to establish bidding systems to be used in the sale of Federal coal leases. The purpose of the regulation is to establish a variety of bidding systems for use in lease sales and to foster competition.

A regulatory analysis will be completed.

Status: No notice concerning the regulation has yet been published.

Statutory authority: Department of Energy Organization Act, section 302(b)(2) (Pub. L. 95-91).

Contact: Robert Kalter, (202) 633-9421.

14. Coal Diligence Regulation

DOE is preparing a proposed regulation to establish a date certain for the submission of mining plans for existing and new leases and to establish certain milestones. The purpose of the regulation is to foster diligent development of Federal coal leases.

A regulatory analysis will be completed.

Status: No notice concerning the regulation has yet been published.

Statutory authority: Department of Energy Organization Act, section 302(b)(3) (Pub. L. 95-91).

Contact: Robert Kalter, (202) 633-9421.

15. Initial Large Wind Bidding System Regulations

The Department of Energy (DOE) will draft proposed regulations establishing the bidding system to be used for the sale of large wind energy conversion system leases on federal lands. The regulations will also establish the procedures to be followed by DOE and the Department of the Interior in carrying out their responsibilities regarding large wind energy conversion system lease sales.

Status: No notice concerning the regulation has yet been published.

A regulatory analysis will be completed.

Statutory authority: Department of Energy Organization Act, section 302(b)(2) (Pub. L. 95-91).

Contact: Robert Kalter, (202) 633-9421.

ECONOMIC REGULATORY ADMINISTRATION

Clarity of Regulations Issued by the Economic Regulatory Administration (ERA Docket ERA-R-79-11)

As part of DOE's regulatory reform effort, a Notice of Inquiry was issued requesting comments on the clarity of ERA's regulations.

A regulatory analysis is not required.

Status: A Notice of Inquiry was issued March 15, 1979. (44 FR 17526, March 22, 1979.)

Authority: Executive Order 12044, "Improving Government Regulations."

Contact: Stanley Vass, (202) 254-7477.

National Energy Act Regulations

1. NEA Fuel Use Act—New Facilities (ERA Docket ERA-R-78-19)

ERA will develop regulations to implement prohibitions against use of oil and gas by new facilities and exemptions provided by law from this statutory prohibition.

A notice of proposed rulemaking (NOPR) was issued November 9, 1978. (43 FR 53974, November 17, 1978.)

A draft regulatory analysis was published with the NOPR.

Statutory deadline: NOPR within 120 days of enactment.

Statutory authority: Powerplant and Industrial Fuel Use Act, Sections 201 and 202 (Pub. L. 95-620).

Contact: Steve Stern, (202) 254-9766.

NEA Fuel Use Act—Transitional Facilities (ERA Docket ERA-R-78-21)

ERA has promulgated revised interim regulations to classify facilities built between April 20, 1977 and the date of enactment of the Powerplant and Industry Fuel Use Act as either new facilities subject to statutory prohibitions on the use of oil and gas or as existing facilities.

A revised interim rule was issued March 15, 1979. (44 FR 17464, March 21, 1979)

A draft regulatory analysis has been completed.

Statutory authority: Powerplant and Industrial Fuel Use Act, Section 902 (Pub. L. 95-620).

Contact: Steve Stern, (202) 254-9766.

MFBI Election Procedures (ERA Docket ERA-R-78-28)

ERA promulgated regulations governing election procedures for coverage of major fuel burning installations (MFBIs).

A notice announcing election procedures was issued December 28, 1978. (44 FR 1443, January 5, 1979.)

A draft regulatory analysis has been completed.

Statutory deadline: Within 90 days of enactment.

Statutory authority: Powerplant and Industrial Fuel Use Act, Section 762 (Pub. L. 95-620).

Contact: Steve Stern, (202) 254-9766.

NEA Fuel Use Act—Existing Facility Findings and Exemptions (ERA Docket ERA-R-78-19)

ERA will develop regulations for establishing findings and exemptions for use by DOE to order existing facilities with coal burning capabilities to switch from oil and gas use.

A notice of proposed rulemaking was issued January 22, 1979. (44 FR 5809, January 29, 1979.)

A draft regulatory analysis has been completed.

Statutory deadline: NOPR within 120 days after enactment.

Statutory authority: Powerplant and Industrial Fuel Use Act, Sections 301 and 302 (Pub. L. 95-620).

Contact: Steve Stern, (202) 254-9766.

NEA Fuel Use Act—Special Rule for Temporary Public Interest Exemption for Use of Natural Gas by Existing Power Plants (ERA Docket ERA-R-79-1)

ERA has issued final regulations by which existing power plants may obtain temporary public interest exemptions from statutory prohibitions against natural gas use.

The final rule was issued April 4, 1979. (44 FR 21230, April 9, 1979.)

A draft regulatory analysis has been published.

Statutory authority: Powerplant and Industrial Fuel Use Act, Section 311 (Pub. L. 95-620).

Contact: Steve Stern, (202) 254-9766.

6. NEA Fuel Use Act—Emergency Use of Natural Gas or Petroleum

ERA will promulgate regulations governing the temporary use of oil or gas during emergency conditions.

A notice of proposed rulemaking has not yet been issued.

A draft regulatory analysis has been published.

Statutory authority: Powerplant and Industrial Fuel Use Act, Section 404 (Pub. L. 95-620).

Contact: Steve Stern, (202) 254-9766.

7. Prohibition on Use of Natural Gas for Decorative Outdoor Lighting

DOE will develop regulations prohibiting use of natural gas for decorative lighting in industrial, commercial and residential and municipal settings, including sale of natural gas for such purpose.

A notice of proposed rulemaking was issued February 7, 1979. (44 FR 9570, February 13, 1979.)

A regulatory analysis is not required.

Statutory deadline: Final rule within 180 days after enactment.

Statutory authority: Powerplant and Industrial Fuel Use Act, Section 402 (Pub. L. 95-620).

Contact: Howard Perry, (202) 254-3118.

8. PURPA—State Regulatory Reporting Requirments

ERA will develop proposed reporting requirements to be followed by states.

A notice of proposed rulemaking was issued April 6, 1979. (44 FR 22974, April 17, 1979.)

A regulatory analysis was completed.

Statutory authority: Public Utility Regulatory Policies Act, Section 116 and 309 (Pub. L. 95-617).

Contact: Howard Perry, (202) 254-3118.

9. Grants to State Offices of Consumer Services

ERA (Office of Utility Systems) will revise guidelines for grants to state offices of consumer services for representation of consumers in proceedings before electric utility regulatory commissions.

A notice of proposed rulemaking was issued March 21, 1979. (44 FR 18448, March 27, 1979.)

A regulatory analysis is not required.

Statutory authority: Eenrgy Conservation and Production Act, Public Utility Regulatory Policies Act, ECPA, Section 205 (Pub. L. 94-385) as amended by Section 142 (Pub. L. 95-617).

Contact: Larry Kaseman, (202) 254-9755.

10. Grant Assistance to Public Utility Commissions and Innovative Utility Regulatory Projects

ERA (Office of Utility Systems) will promulgate regulations to provide grant assistance to public utility commissions in meeting the electric utility and natural gas provisions of the Public Utility Regulatory Policies Act and to fund innovative utility rate structure projects.

A notice of proposed rulemaking was issued on March 21, 1979. (44 FR 18856, March 29, 1979.)

A regulatory analysis is not required.

Statutory authority: Public Utility Regulatory Policies Act, Sections 141 and 142 (Pub. L. 95-617).

Contact: Larry Kaseman, (202) 254-9755.

11. Emergency Natural Gas Regulations

ERA will develop regulations regarding the purchase and the allocation of natural gas during a presidentially declared natural gas emergency.

A notice of proposed rulemaking has not yet been issued.

It has not been determined whether a regulatory analysis is required.

Statutory authority: Natural Gas Policy Act of 1978, Title III (Pub. L. 95-621).

Contact: Lynette Hucul, (202) 632-4721.

12. Natural Gas for Essential Agricultural Uses (ERA Docket ERA-R-78-22)

ERA has promulgated regulations to provide that interstate pipelines not curtail gas deliveries for essential agricultural uses (as determined by the Secretary of Agriculture) except to serve high priority uses.

A final rule was issued on March 9, 1979. (44 FR 15642, March 15, 1979.)

Statutory deadline: Within 120 days after enactment.

A regulatory analysis is not required.

Statutory authority: Natural Gas Policy Act of 1978, Section 401(a) (Pub. L. 95-621).

Contact: Paula Daigneault, (202) 632-4721.

13. Review of Natural Gas Curtailment Priorities Including Industrial Process Fuel Use Issues (ERA Docket ERA-R-79-10)

ERA will conduct an inquiry into whether existing natural gas curtailment priorities should be modified and, if so, in what manner. The inquiry will include consideration of curtailment of industrial process and feedstock use.

A notice of inquiry was issued on March 13, 1979. (44 FR 16954, March 20, 1979.)

A regulatory analysis will be completed.

Statutory authority: Natural Gas Policy Act of 1978, Section 402 (Pub. L. 95-621) and DOE Act Sections 301 and 402.

Contact: Paula Daigneault, (202) 632-4721.

Crude Oil

1. Entitlements Treatment for Alaska Refineries (ERA Docket ERA-R-78-2)

DOE has amended the domestic crude oil allocation program to clarify the proper calculation of entitlements to be issued to certain refineries located in the State of Alaska, in order to avoid the potential for duplicate entitlement issuances for the same volume of crude oil.

A regulatory analysis is not required.

Status: A final rule was issued November 17, 1978. (43 FR 55322, November 27, 1978.)

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Mary Jones, 632-5133.

2. Incentives for Enhanced Crude Oil Recovery (ERA Docket ERA-R-77-1)

By this continued rulemaking and request for comments DOE will determine whether additional price incentives are needed for tertiary enhanced recovery projects in order to provide for adequate up front capital commitment to such projects.

A regulatory analysis has been completed.

Status: DOE issued a final rule containing incentives for undertaking tertiary recovery projects. That Notice of Final Rule contained a Notice of Continued Rulemaking and Request for Comments.

A further notice of proposed rulemaking was issued March 22, 1979. (44 FR 18677, March 29, 1979.)

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Douglas Harnish, (202) 254-7477.

3. Further Rulemaking on Entitlements for Petroleum Substitutes

DOE will propose an amendment to the mandatory petroleum allocation regulations to expand the scope of the synthetic fuels which will qualify for designation as a petroleum substitute.

A regulatory analysis is not required.

Status: No notice concerning the regulation has yet been issued.

Authority: Emergency Petroleum Allocation Act, Pub. L. 93-159, as amended.

Contact: Norman Breckner, (202) 254-7477.

4. Revision of the Small Refiner Bias Program (ERA Docket ERA-R-78-3)

An independent report was commissioned by DOE to study the current small refiner bias level under the entitlements program. DOE will propose revisions to the small refiner bias program.

A regulatory analysis and an environmental assessment have been completed.

Status: A notice of proposed rulemaking was issued November 14, 1978. (43 FR 54652, November 22, 1978.)

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Mary Jones, (202) 254-5133.

5. Non-refining Uses of Price Controlled Crude Oil (ERA Docket ERA-R-78-13)

DOE plans to amend the entitlements program to provide a mechanism to account for controlled domestic crude oil that is not covered by the program because the crude oil was not run in domestic refineries.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was issued November 1, 1978. (43 FR 52104, November 8, 1978.)

The final rule may be incorporated in ERA-R-78-12 if that rule is adopted.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Mary Jones, (202) 632-5133.

6. Simplified Crude Oil Price Control Program (ERA Docket ERA-R-78-12)

DOE has proposed the first step in a program to simplify the mechanism for controlling crude oil prices. The program will shift the entitlement burden to first purchasers, thereby eliminating the opportunity for resellers falsely to recertify the price tier.

A draft regulatory analysis was completed.

Status: A notice of proposed rulemaking was issued January 19, 1979. (44 FR 5296, January 25, 1979.)

A final rule, if adopted, may incorporate ERA-R-78-13.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Daniel Thomas, (202) 254-7477.

7. Revision of Crude Oil Supplier/Purchaser Rule

The 1973 freeze on supplier/purchaser relationships is being further examined to determine whether it unduly inhibits competition or unnecessarily burdens producers and purchasers of domestic crude oil.

A regulatory analysis will be completed.

Status: No notice concerning the regulation has yet been published.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Gerald Emmer, (202) 254-7200.

8. Canadian Allocation Program (CAP) Revisions (ERA Docket ERA-R-78-23)

Amendments were proposed to reflect the declining volumes of Canadian crude oil exports, the varying success refineries have had in finding non-Canadian supplies and the simplication of the administration and industry reporting requirements of CAP.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was issued November 17, 1978. (43 FR 55734, November 28, 1978.)

Legal authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: John Glynn, (202) 632-5133.

9. Crude Oil Resellers Price Rule

DOE will evaluate crude oil resale price rules to determine if modifications are needed.

It has not been determined whether a regulatory analysis is required.

Status: No notice concerning this regulation has yet been published.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Daniel Thomas, (202) 254-7477.

10. Processing Agreements

DOE is considering whether to provide further guidance to resellers and refiners concerning the treatment of crude oil processing agreements under the Mandatory Petroleum Price Regulations.

It has not been determined whether a regulatory analysis is required.

Status: No notice concerning the regulation has yet been issued.

Authority: Energy Policy and Conservation Act, Pub. L. 94-163, as amended.

Contact: Daniel Thomas, (202) 254-7477.

11. Marginal Well Incentive Pricing (ERA Docket ERA-R-78-18)

DOE has amended the petroleum price regulations to provide production incentives for certain lower tier crude oil from wells which produce at low rates under conditions of high operating costs and for all other lower tier producing properties.

A regulatory analysis has been completed.

Status: A final rule was issued April 5, 1979. (44 FR 22010, April 12, 1979.)

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Douglas Harnish, (202) 254-7477.

12. Small Stripper Certification Procedure

DOE is considering the feasibility of adopting a procedure for small crude oil stripper producers to apply for a predetermination as to whether their wells qualify as stripper wells.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking has been issued.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 95-159, as amended.

Contact: Thomas Miller, (202) 254-8580.

13. Transfer Pricing and Ocean Transportation

DOE is considering simplification or possible revision to standby regulatory and continuing information gathering status of rules concerning prices of future inter-affiliate transfers of imported crude oil.

It has not been determined whether a regulatory analysis is required.

Status: No notice concerning the regulation has yet been published.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Daniel Thomas, (202) 254-7477.

14. Amendments to Entitlements Program Regarding Residual Fuel Oil (ERA Dockets ERA-R-76-1 and ERA-R-78-17)

DOE has amended the domestic crude oil allocation ("entitlements") program with respect to entitlement adjustments for residual fuel oil, pursuant to a congressional mandate. The amendments adopted are effective through June 30, 1979. At the time the final rule was issued (ERA-R-78-17), DOE had another proposed rulemaking pending (ERA-R-76-1) which is superseded until July 1, 1979. However, DOE is reviewing the current program and may adopt such changes to the regulations, effective on or after July 1, 1979, as deemed appropriate. One possible action is the reactivation of ERA Docket ERA-R-76-1.

A regulatory analysis for these amendments was completed and it has not been determined if a regulatory analysis for any further action will be necessary.

Status: A final rule was issued October 17, 1978, and a notice closing docket No. ERA-R-78-17 was issued February 14, 1979. (44 FR 10702, February 23, 1979.) Docket No. ERA-R-76-1 is still pending.

Authority: Department of Energy Appropriations Act of 1979, (Pub. L. 95-465). Emergency Petroleum Allocation Act of 1973, (Pub. L. 93-159, as amended).

Contact: F. Scott Bush, (202) 632-8494.

15. Incentive Prices for Newly Discovered Crude Oil (ERA Docket ERA-R-78-26)

DOE has proposed a rule which would permit "newly discovered crude oil" to receive market price levels.

A draft regulatory analysis has been prepared.

Status: A notice of proposed rulemaking was issued December 29, 1978. (44 FR 1888, January 8, 1979.)

Authority: Emergency Petroleum Allocation Act of 1973, (Pub. L. 93-159, as amended).

Contact: William Carson, (202) 254-7200.

16. Amendment to Allocated Crude Oil Pricing Rule (ERA Docket ERA-R-79-5)

DOE has amended, on an emergency basis, the petroleum price regulations in Subpart F of Part 212 by the addition of Special Rule 2 to the Appendix to that Subpart. Special Rule 2 provides for a change in the method of pricing allocated crude oil for deliveries beginning February 1, 1979 pursuant to the "buy/sell program," to take into account the five percent price increase announced by OPEC effective January 1, 1979. The notice also continued the rulemaking and requested comments on a proposal to adopt permanently this special rule or a variation thereof.

A regulatory analysis is not required.

Status: An emergency final rule was issued February 7, 1979, *and the rulemaking was continued. A final rule will be issued regarding the permanent adoption of this special rule. *(44 FR 9372, February 13, 1979.)

Authority: Emergency Petroleum Allocation Act of 1973, (Pub. L. 93-159, as amended).

Contact: John Glynn, (202) 632-5133.

17. Phased Deregulation of Upper Tier Domestic Crude Oil Prices

DOE will propose the phased deregulation of upper tier domestic crude oil prices by October 1, 1981 at which time authority to control domestic crude oil prices expires.

A regulatory analysis will be completed.

Status: No notice concerning this regulation has been issued.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: Ed Mampe, (202) 254–7200.

Refined Products

1. Price Rules for Product Exchanges (ERA Docket ERA–R–77–17)

DOE will revise procedures by which refiners, resellers and retailers will determine the increased costs applicable to products received in exchanges.
A regulatory analysis is not required.
Status: Interim regulation and notice of public hearing were issued December 15, 1978.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: Daniel Thomas, (202) 254–7477.

2. Middle Distillate Set-aside (ERA Docket EPA–R–78–20)

On January 12, 1979 DOE issued a special rule to provide a procedure during the period January 12 through March 31, 1979 whereby suppliers of home heating oil could be required to set aside a portion of their supplies for distribution by State energy offices in the event of emergency conditions which interrupted normal distribution systems.
On March 21, 1979, DOE issued an order, effective April 1, 1979, extending this set-aside rule through June 30, 1979.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: William Caldwell, (202) 254–8034.

3. NGL Allocation Revision (ERA Docket ERA–R–77–9)

DOE is amending the mandatory petroleum allocation regulations to correct various problems that appear to have arisen in the allocation of propane, butane and natural gasoline.
A regulatory analysis is not required.
Status: A notice of proposed rulemaking was published August 15, 1977; the Federal Energy Regulatory Commission has held hearings. FERC held hearings September 22, 1978 pursuant to Section 404 of the DOE Act.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: Robert Reinstein, (202) 632–5042.

4. NGL Price Amendments—Further Rule (ERA Docket ERA–R–77–5)

DOE has issued a rule to provide gas processors with passthroughs of actual nonproduct cost increases. DOE has issued an order suspending from the rule certain terminology regarding transfer pricing under Subpart K that became effective November 1, 1978. DOE may propose a further notice or notices on a number of additional matters raised in prior proceedings to determine if additional rulemakings are needed.
A regulatory analysis for the order is not required, and it has not been determined whether a regulatory analysis will be necessary if other notices are issued.
Status: The suspension order was issued October 30, 1978. No further notice concerning the regulation has yet been published.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: Roger Miller, (202) 632–4967.

5. Resubmissions and Refiling of FEO–96, P110, and EIA–14 Forms (ERA Docket ERA–R–78–16)

DOE has amended its petroleum price regulations concerning reporting requirements of refiners. Generally, it has been proposed that refiners would not be permitted to refile FEO–96 forms, FEA/DOE P110 forms, or DOE EIA–14 forms after one year from the date of original filing, except 1) during a grace period for refiling old forms ending June 1, 1979; 2) where expressly authorized by DOE regulation or order or 3) where written permission is granted by DOE for good cause shown.
A regulatory analysis is not required.
Status: A final rule was issued March 6, 1979 which will be effective May 1, 1979.
Authority: Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159, as amended).
Contact: Lloyd Costley, (202) 254–8034.

6. Annual Revision of Fee Free Allocations Under the Mandatory Oil Import Program (ERA Docket ERA–R–78–27)

DOE has revised the Mandatory Oil Import Program to reflect the fee-free allocation levels established by Presidential Proclamation 3279 for the next allocation year which begins on May 1, 1979. This rule has been temporarily superseded by Presidential Proclamation #4655.
No regulatory analysis is required.
Status: A final rule was adopted March 19, 1979.
Authority: Presidential Proclamation 3279, as amended.
Contact: John Glynn, (202) 632–5133.

7. Entitlements Export Sales Deduction Exemption for Bunker Use of Middle Distillates

ERA has been petitioned to establish a rule that would not require an entitlements deduction under the export sales provision of § 211.67(d)(2) for middle distillates used as bunker fuels. No determination has been made at this time as to whether a notice concerning this matter will be issued.
A regulatory analysis is not required.
Status: No notice concerning this regulation has yet been published.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: Merle Easterling, (202) 632–6500.

8. Passthrough of Service Station Rent Increases (ERA Docket ERA–R–77–15)

DOE has amended the petroleum price regulations to permit retailers to pass through in the price of motor gasoline the costs of installing vapor recovery systems and increased service station rents without these continuing to be subject to the current three-cent per gallon limitation on the recovery of non-product costs.
A regulatory analysis was completed.
Status: A final rule was issued December 22, 1978.
Authority: Emergency Petroleum Allocation Act of 1973, (Pub. L. 93–159, as amended).
Contact: Chuck Boehl, (202) 254–7200.

9. Deletion of DOE Octane Posting Requirements (ERA Docket ERA–R–79–8)

DOE has proposed to amend its petroleum price regulations concerning the posting of octane numbers by retail gasoline dealers.
A regulatory analysis is not required.
Status: A notice of proposed rulemaking was issued February 16, 1979.
Authority: Emergency Petroleum Allocation Act of 1973, (Pub. L. 93–159, as amended).
Contact: Lloyd Costley, (202) 254–8034.

10. Amendments To Allow the Allocation of Additional Increased Costs to Gasoline (ERA Docket ERA–R–77–3)

DOE has amended the petroleum price regulations to permit refiners to recover an additional amount of their total increased costs through gasoline sales and to include within their banks the additional increased costs that would have been allocable to gasoline if the rule had become effective January 1, 1979.
A regulatory analysis and an environmental impact statement have been completed.
Status: A final rule was issued March 1, 1979.
Authority: Emergency Petroleum Allocation Act of 1973, (Pub. L. 93–159, as amended).
Contact: Chuck Boehl, (202) 254–7200.

11. National Ceiling Price for Motor Gasoline

DOE will request public comments through a Notice of Inquiry on the advisability of establishing a national ceiling price or prices for motor gasoline. Depending on public comments and the stability of the motor gasoline market, DOE may issue a Notice of Proposed Rulemaking.
A regulatory analysis for the NOI will not be required.
Status: No notice concerning this regulation has been issued.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: Ed Mampe, (202) 254–7200.

12. Procedures for Certification of the Use of Natural Gas for Fuel Oil Displacement (ERA Docket ERA–R–79–16)

In conjunction with the above captioned rule (FERC Docket No. RM79–34), DOE has issued an interim final rule establishing the procedures for the ERA Administrator's certification to the FERC that the natural gas in question purchased directly by end-users would be used to displace fuel oil and not coal.
A regulatory analysis will be completed upon issuance of a final rule.
Status: An interim final rule was issued April 2, 1979.
Authority: Department of Energy Act (Pub. L. 95–91).

Contact: Lawrence A. DiRicco, (202) 632-4721.

13. Transportation Certificates for Fuel Oil Displacement Gas (No ERA Docket Number) (FERC Docket No. RM79-34)

DOE/ERA has proposed a rule for adoption by the Federal Energy Regulatory Commission (FERC) under which the FERC would accept and consider applications from interstate pipeline companies for certificates to transport natural gas purchased by end-users to displace fuel oil.

No regulatory analysis required since FERC is exempt from E.O. 12044.

Status: ERA proposed rule to FERC on March 18, 1979. FERC commenced rulemaking process on March 28, 1979.

Authority: Natural Gas Act, of June 21, 1938 (52 Stat. 821) as amended; Department of Energy Organization Act of 1977, Pub. L. 95-91, Section 403.

Contact: FERC—Kenneth Plumb, (202) 275-4166; ERA—Lawrence DiRicco, (202) 632-4721.

14. Unleaded Gasoline Price Rules (ERA Docket ERA-R-79-17)

DOE has proposed to amend its petroleum price regulations to (1) allow resellers to recover the costs of vapor recover systems; (2) require service station operators to inform the public of outages of a particular grade of gasoline; (3) require retailers to inform the public of the price of unleaded gasoline with the same visability and prominence as the leaded grade; and (4) impose a maximum mandatory price differential between leaded and unleaded gasoline.

It has not been determined whether a regulatory analysis will be required.

Status: A notice of proposed rulemaking was issued April 5, 1979.

Authority: Emergency Petroleum Allocation Act of 1973, (Pub. L. 93-159, as amended).

Contact: Maurice G. Boehl, (202) 254-7200.

Deregulation

1. Motor Gasoline Exemption

The DOE will decide whether to proceed with deregulation of motor gasoline.

A regulatory analysis or equivalent will be completed, and an Environmental Impact Statement has been published.

Status: A notice of proposed rulemaking has been issued and the exemption has been considered by the Federal Energy Regulatory Commission.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L 93-159, as amended.

Contact: William Caldwell, 202-254-8034.

2. Aviation Fuel Deregulation (ERA Dockets ERA-R-78-5 and ERA-R-78-6)

DOE has exempted kerojet and aviation gasoline from the Mandatory Petroleum Allocation and Price regulations.

Findings issued concurrently with the notice of proposed rulemaking were determined by ERA to satisfy the requirement for the preparation of a regulatory analysis for significant regulations which have a major economic impact.

Status: A final rule was submitted to Congress January 31, 1979. The exemption became effective February 26, 1979.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: William Caldwell, 202-254-8034.

3. Deregulation of Butane and Natural Gasoline (ERA Docket ERA-R-79-14)

DOE has proposed a rule to exempt butane and natural gasoline from allocation and price controls.

A draft regulatory analysis has been completed.

Status: A notice of proposed rulemaking was issued on March 28, 1979.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Bob Reinstein, 202-632-5042.

4. SNG Feedstocks

DOE will consider whether to issue a proposal to exempt SNG feedstocks from allocation controls.

No decision has been made as to the need for a regulatory analysis.

Status: No notice concerning this regulation has yet been published.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Bob Reinstein, 202-632-5042.

5. Deregulation of propane (ERA Docket ERA-R-79-3)

DOE is considering whether to exempt propane from allocation and price controls.

A regulatory analysis will be completed.

Status: A notice of inquiry was issued January 31, 1979.

Authority: Emergency Petroleum Allocation Act of 1973; Pub. L. 93-159, as amended.

Contact: Bob Reinstein, 202-632-5042.

Emergency Preparedness

1. International Oil Allocation (ERA Docket ERA-R-78-7)

DOE has proposed regulations to implement the oil sharing provisions of the International Energy Program. Comments have been reviewed to determine the nature and scope of final standby rules on this subject.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking has been issued.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Section 251 of the Energy Policy and Conservation Act, (Pub. L. 94-163).

Contact: Josette Maxwell (202) 632-5133.

2. Contingency Gasoline Rationing Plan (ERA Docket ERA-R-78-14)

On March 1, 1979, the President transmitted a standby gasoline rationing plan to Congress for approval. This plan is to be implemented only in the event of a severe energy supply interruption. Congress has sixty days to review the proposal. If it is approved, the plan will be placed in standby status.

Status: The plan was submitted to Congress on March 1, 1979.

Legal authority: Energy Policy and Conservation Act of 1975 (Pub. L. 94-163).

Contact: Benton Massell (202) 632-6500.

3. Standby Crude Oil Pricing and Allocation Regulations (ERA Docket ERA-R-78-4)

DOE adopted changes to the crude ol pricing and allocation regulations on a standby basis, to be activated in the event of a significant supply interruption.

A regulatory analysis is not required.

Status: A final rule was issued January 9, 1979; the comment period was continued. Additional comments are being reviewed to determine if further changes are necessary.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Merle Easterling (202) 632-6500.

4. Standby Product Pricing and Allocation Regulations (ERA Docket ERA-R-78-15)

DOE adopted short-term changes to the product pricing and allocation regulations on a standby basis, to be activated in the event of a significant supply interruption.

A regulatory analysis is not required.

Status: A final rule was issued January 12, 1979; the comment period was continued. Additional comments are being reviewed to determine if further changes are necessary.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Contact: Gerald Emmer (202) 254-7200.

5. Standby Energy Conservation Plans (ERA Docket ERA-R-76-2)

On March 1, 1979 the President transmitted to Congress for approval three standby energy conservation plans entitled "Emergency Weekend Gasoline Sales Restrictions" (Plan No. 1; "Emergency Building Temperature Restrictions" (Plan No. 2) and "Emergency Advertising Lighting Restrictions" (Plan No. 3). Congress has sixty days to approve the plans. Those plans which are approved will be placed in standby status to be implemented only in the event of a severe energy supply interruption or to fulfill U.S. obligations under the international energy program.

Status: The plans were submitted to Congress on March 1, 1979.

Authority: Energy Policy and Conservation Act of 1975, Pub. L. 94-163.

Contact: Benton Massell (202) 632-6500.

6. Activation Order No. 1—Standby Petroleum Product Allocation Regulations

Lead Office: Economic Regulatory Administration (ERA).

DOE activated a limited portion of its Standby Petroleum Product Allocation Regulations to update the base period for motor gasoline. This action will be effective initially for three months (March, April and May 1979), and may be extended after the review of public comments. We also issued Guidelines to the Activation Order.

A regulatory analysis was not required.

Status: The activation order was issued February 22, 1979, and the Guidelines March 19, 1979.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.

Contact: William Caldwell, (202) 254–8034.

7. Amendments to the Entitlements Program To Permit Purchase of SPR Crude Oil at Lower Tier Prices

DOE is considering amending the domestic crude oil allocation ("entitlements") program to permit purchase of crude oil for SPR at lower tier prices rather than at approximately the national average crude oil acquisition cost post-entitlements.

A regulatory analysis will be issued should such amendments be proposed for public comment.

Status: No notice concerning this regulation has been issued.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.

Energy Policy and Conservation Act of 1975, Pub. L. 94–163.

Contact: Josette L. Maxwell, (202) 632–5133.

8. Amendment to the Standby and Current Crude Oil Allocation and Refinery Yield Programs To Provide for Distribution of SPR Crude Oil

Lead Office: Economic Regulatory Administration (ERA)

DOE is considering possible amendments to both the Standby and current crude oil allocation programs to permit distribution of SPR crude oil should the Secretary determine use of SPR crude oil is required due to a supply interruption and that such SPR crude oil will not be sold competitively. DOE will present for congressional review a SPR distribution plan. Subsequently, ERA will issue any regulations necessary to implement the SPR Distribution Plan approved by Congress.

It has been tentatively concluded that no regulatory analysis is required.

Status: No notice concerning this regulation has been issued.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.

Energy Policy and Conservation Act of 1975, Pub. L. 94–163.

Contact: Josette L. Maxwell, (202) 632–5133.

9. Inclusion of Gasoline Retailers Within the State Set-Aside Program (ERA Docket ERA-R-79-15)

DOE has proposed to amend the petroleum allocation regulations (Special Rule No. 8 under Subpart A of Part 211) to permit a state to include gasoline retailers that are experiencing gasoline supply emergencies among the eligible recipients of gasoline from the State set-aside program during April and May, 1979. Comments regarding the possible extension of Special Rule No. 8 have also been requested.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was issued March 30, 1979.

Authority: Emergency Petroleum Allocation Act of 1973, (Pub. L. 93–159, as amended).

Contact: Stanley Vass, (202) 254–7477.

Enforcement

1. Revision of Remedial Order Regulations

DOE has revised previous Federal Energy Administration remedial order regulations to provide review of proposed orders by the DOE Office of Hearings and Appeals. The revision provides formal procedures for review of issues raised in each remedial order proceeding prior to the issuance of orders in final form.

A regulatory analysis is not required.

Status: A final rule was issued February 2, 1979 (44 FR 7922, February 7, 1979).

Authority: Department of Energy Organization Act, Pub. L. 95–91.

Contact: George Breznay, (202) 254–9681.

2. Procedural Regulations for Investigations

DOE has revised Part 205 of the DOE regulations to clarify the procedures for issuance of subpoenas during enforcement investigations and the requirements for conducting investigative interviews pursuant to subpoenas.

A regulatory analysis was not required.

Status: A final rule was issued April 13, 1979.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.

Contact: Jerry Weiner, (202) 632–5072.

[FR Doc. 79-16161 Filed 5-22-79; 8:45 am]

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Wednesday
May 23, 1979

Part V

Department of Health, Education, and Welfare

Office of Human Development Services

Youth Employment and Demonstration Projects Discretionary Grant Program; Availability of Funds

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

[Program Announcement No. 17240-791]

Youth Employment and Demonstration Projects Discretionary Grant Program; Availability of Funds

AGENCY: Office of Human Development Services; DHEW.

SUBJECT: Announcement of Availability of Funds for Youth Participation and Community Services Job Development Demonstration Grants.

SUMMARY: The Youth Development Bureau within the Administration for Children, Youth and Families announces the availability of FY 1979 funds for the development and implementation of the Youth Participation and Community Services Job Development Demonstration Grants as authorized by the Youth Employment and Demonstration Projects Act of 1977, the Juvenile Justice and Delinquency Prevention Act of 1974 (as amended, 1977), and interagency agreements developed by the Department of Health, Education, and Welfare, Office of Human Development Services with the Department of Labor, Employment and Training Administration and the Department of Justice, Law Enforcement Assistance Administration. Applicant eligibility is limited to projects funded under the Runaway Youth Act (Title III of the Juvenile Justice Amendments of 1977) during FY 1978.

DATE: The closing date for receipt of preapplication materials is June 8, 1979. The closing date for receipt of final formal applications is July 30, 1979.

Scope of Program Announcement

This program announcement covers the youth employment demonstration grants to be funded jointly during 1979 by the Department of Labor, Employment Assistance Administration, and the Department of Justice, Law Enforcement Assistance Administration, and administered through interagency agreements authorizing transfer of funds and authority to the Youth Development Bureau within the Administration for Children, Youth and Families, Office of Human Development Services, Department of Health, Education, and Welfare.

A. Program Purpose

The purpose of the demonstration grants supported by the Youth Employment and Demonstration Projects Act of 1977 is to provide for innovative and experimental programs to test new approaches for dealing with the unemployment problems of youth and to enable eligible participants to prepare for, enhance their prospects for, or secure employment in occupations through which they may reasonably be expected to advance to productive working lives.

B. Program Goals and Objectives

The goal of the youth employment demonstration projects is to provide for the development and testing of new approaches for improving employment, training, and career development services for selected youth, with special emphasis on serving minority youth. The purpose of the Youth Participation and Community Services Job Development Demonstration Grants is to demonstrate the effects of the provision of direct employment and supportive services to youth; to improve the quality of youth work experience; to involve youth in planning and decision making in acitivities which foster personal growth and development; to promote program linkages between education and work activities; to expand the service capacity of community-based Runaway Youth Centers by utilizing youth as human service providers; and to develop specified programs of employment for youth at the local community level.

The primary objective of the two youth employment program models is to demonstrate innovative approaches for affecting youth employment at the local level. The program model focusing on youth participation will address the employment needs of young people residing in the community in which the program is located. The purpose of the Youth Participation Program Model is to demonstrate innovative methods for employing and training youth for participatory work roles and responsibilities in community-based projects or programs, and to provide supportive educational and career development services for youth.

The purpose of the Community Services Job Development Program Model is to provide an integrated, stabilized working and living environment for youth-at-risk; to demonstrate job development planning and programming techniques designed to establish linkages for youth with specified employment and training opportunities; and to provide supplementary coordinated educational and supportive services designed to increase employability, career development, and self-sufficiency of youth participants.

The Community Services Job Development Program Model will be targeted specifically for homeless youth and other low income disadvantaged youth-at-risk. For the purpose of these demonstration grants, youth-at-risk are defined as persons between the ages of fourteen and the age of majority who have been identified as alienated; low achievers; potential drop-outs or push-outs; youth with dependent children; youth with histories of incarceration, delinquency, or status offenses such as truancy, promiscuity, drug, alcohol, or substance abuse; familial or social adjustment problems; minority youth, and youth served by runaway youth centers with limited prospects for sustaining full time career employment.

The two program models outlined above can be operationalized as separate and distinct program components, or they may be operationalized and implemented as complementary program components within a single runaway youth project. All applicants must indicate the specific program model which their proposal intends to address.

C. Eligible Applicants

Applicants for these grants are limited to those runaway youth projects which received funding from the Youth Development Bureau under the Runaway Youth Act during fiscal year 1978, and which provide direct services to runaway or otherwise homeless youth. Umbrella agencies or service components within umbrella agencies which do not provide direct services to youth are not eligible for funding.

D. Available Funding

Of the total appropriation of $3,000,000 available in fiscal year 1979 for Youth Participation Community Services Job Development Grants, the Youth Development Bureau expects to award up to $2,000,000 for new demonstration projects. It is expected that a maximum of twenty grants will be awarded pursuant to this program announcement in amounts ranging from $100,000 to $200,000 with the average grant award expected to be $125,000. The specific level of funding to be awarded to each project will be dependent upon the range and types of services to be provided under the proposed project, the number of youth served by the proposed project, and the availability of existing services to address the youth needs identified. A new grant is the award made in support of an approved application for Federal

financial assistance as described in this program announcement. This grant will sustain the Federal share of the budget for a grant period of one year. All grants will be awarded on a competitive basis.

E. Grantee Share of the Project

Grantees will be required to contribute a ten (10) percent cash match for the demonstration grants. However, approval to substitute the cash requirement for an in-kind match may be obtained by submitting a written request, and shall be awarded based upon (1) demonstrated financial need, and (2) geographic distribution of projects. In-kind matches must be project related and allowable under the Department's applicable cost principles published in 45 CFR Part 74 (See 45 FR 26274, September 19, 1973).

F. The Application Process

(1) *Availability of Application Forms.* Projects funded under the Runaway Youth Act during fiscal year 1978 wishing to apply under this grants program must submit a preapplication for Federal Assistance on standard forms provided for this purpose. Application kits containing these forms and supplemental descriptive project information are available from:

Youth Development Bureau, Administration for Children, Youth and Families, Room 3270, DHEW North Building, 330 Independence Avenue, SW, Washington, D.C. 20201; Attention: 17240-791; Telephone: (202) 245-2870.

(2) *Application Submission.* One signed original and two copies of the grant application, including all cover letters and attachments, must be submitted to the Grants Management Branch, Office of Human Development Services in the appropriate HEW Regional Office. Additionally, one copy of the grant application must be submitted concurrently to the Youth Development Bureau, ACYF/DHEW in Washington, D.C. Addresses will be indicated in the application instructions.

As part of the project title (Application Form 424-101 Item 7) the application must clearly indicate whether the application is submitted as (a) a Youth Participation Progam Model; (b) a Community Services Job Development Program Model; or (c) a Dual Component Program Model, comprised both of a youth participation component and a community services job development component. Applications lacking such a designation will be categorized by the Youth Development Bureau and will compete accordingly.

(3) *A-95 Clearinghouse Notice.* In compliance with the Department of Health, Education, and Welfare's implementation of Office of Management and Budget Circular No. A-95 Revised (interim procedures at 41 FR 3160, July 29, 1976), applicants who request grant support must, prior to submission of an application, notify both the State and Area-wide A-95 Clearinghouse of the intent to apply for Federal assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. Some State and Area Clearinghouses provide their own forms on which such information is to be submitted. Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

(4) *Application Consideration.* (a) *Preapplication Process.* Preapplications for proposed Youth Participation and Community Services Job Development Demonstration Projects are solicited for preliminary review.

The program narrative statement (Part IV of the Preapplication for Federal Assistance (FMC 74-7) must describe the basic principles for youth participation and job development upon which the project will be based. It should outline the overall project design and the specific employment and educational components which shall be included. It should describe the need, objectives, and methods of accomplishment intended for the proposed project; it should explain how educational and employment linkages will be developed, utilized, and maintained; and it should describe the outcomes these arrangements will provide for young people and for the sponsoring program or institution. This narrative statement shall be viewed as a preliminary concept paper on the proposed project, and shall be no longer than five single spaced pages.

Preapplication materials, including the program narrative, will be reviewed according to criteria designed to assess the capability of the program to achieve specified project objectives. Weightings for the criteria vary and are described in the supplementary program information included in the preapplication kit. The preliminary review used to determine eligibility of program participants shall focus on the following criteria:

(1) Project has identified specific work roles with career development potential, either within the project or within the community, and has developed supportive developmental, educational, and/or training components related to these work roles and career development opportunities;

(2) Project has established cooperative inter-relationships with agencies or organizations to provide developmental employment or educational opportunities for youth, and has initiated agreements with local educational institutions or programs to provide academic credit for learning experiences occurring through participation in the project;

(3) Project has identified specific community services projects designed to expand or improve the delivery of human services within the community;

(4) Project has established procedures to involve youth in planning and decision-making activities relative to initial program design and to ongoing program procedures;

(5) Project has documented the need for employment related services for the specific subpopulations of youth-at-risk it intends to serve;

(6) Project has documented evidence of community support for the employment and training initiatives outlined in the concept paper.

(7) Project has documented evidence of services provided over the previous grant period.

Upon review of preapplication materials, applicants determined eligible shall be invited to develop expanded project proposals and to submit formal applications. Notification of eligibility shall enable applicants to compete in the final review and selection process. No more than thirty eligible applicants shall be identified to compete in the final review, and invited to participate in pre-award program development activities.

(b) *Pre-Award Program Development.* The pre-award program development process will provide applicants with the opportunity to develop and structure formal project proposals in accordance with guidelines and technical assistance provided by the Youth Development Bureau. Upon completion of the initial review of preapplication materials, all applicants determined eligible will be required to attend a pre-award program development conference convened in Washington, D.C. The conference shall consist of a series of briefing sessions on the purpose of the demonstrations, the evaluation criteria, and requirements for competing for grant awards. The conference shall include work sessions on program design and development focusing on program objectives, the principles of youth participation and community services job development,

and needs assessment for program planning. All eligible applicants will be required to participate in these technical assistance workshops. Work sessions will concentrate on the development of project-specific work plans for the design and implementation of specialized program components, and on the identification of specific training and technical assistance activities required to improve the capacity of project staff to plan and deliver employment related services to youth.

(c) *Competitive Review and Selection.* In order to be considered for a Youth Participation Community Services Job Development Grant, all applications must be submitted on the forms and in the manner required by ACYF as described in this program announcement. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award. The Commissioner, ACYF, determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted and applicants will be notified accordingly. All accepted grant applications shall be subjected to a competitive review and evaluation conducted by a panel of qualified persons independent of the Youth Development Bureau. The results of this competitive review supplement and assist the Commissioner's consideration of competing applications. The Commissioner's consideration also takes into account comments from program and grants management staff of the HEW Regional Offices, and the Central Office ACYF staff. Comments on the applications may also be requested from appropriate specialists and consultants outside of Government. After the Commissioner has reached a decision either to fund a competing grant application or to disapprove it, the applicant will be notified in writing of that decision.

(d) *Grant Awards.* The Commissioner, ACYF, shall make grant awards consistant with the purposes of the Youth Employment and Demonstration Projects Act, the Juvenile Justice and Delinquency Prevention Act, and the Program Announcement, within the limits of Federal funds available. The official grant award document is the Notice of Grant Awarded. Successful applicants shall be notified through the issuance of a Notice of Grant Awarded which sets forth in writing to the grantee the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given, the total grantee share expected, if any, and the total project period for which support is contemplated.

G. Criteria for Review and Evaluation of Grant Applications

Competing grant applications will be reviewed and evaluated against the following criteria:

(1) The quality of the application, especially the description of the need for a demonstration project to achieve one or more of the objectives of this grant program, and the unavailability of other services to adequately address this need; (35 Points)

(2) The description of the project as a whole, especially the articulation of the capacity of the project design and procedures to achieve the anticipated results; (25 Points)

(3) The potential replicability of the project in terms of suitability for use as a model for other communities with similar youth populations, and similar needs and goals for youth employment; (10 Points)

(4) The capability and qualifications of proposed staff, including youth involved in planning and program development, and the adequacy of facilities and resources of the applicant organization; (10 Points)

(5) A reasonable proposed budget and a justification of project costs, and the ability of the applicant to complete the project within the proposed timeframes; (5 Points)

(6) The ability of the applicant to provide assurances for cooperation with the Youth Development Bureau with respect to full participation in pre- and post-award technical assistance activities related to program planning, design, and implementation, as well as in workshops and ongoing data collection activities related to evaluation and analysis of the impact of the youth employment components; (5 Points)

(7) Documentation of community commitment for the proposed demonstration and of all necessary formal agreements with cooperating agencies. (10 Points)

H. Closing Date for Receipt of Applications

The closing date for receipt of preapplication materials is June 8, 1979. The pre-award Program Development Conference is scheduled for July 9, 1979. The closing date for receipt of final formal applications is July 30, 1979. Application materials received after the closing date at 5:30 p.m. will be considered ineligible, and will not be reviewed and evaluated. An application sent by mail will be considered to be received on time by the HEW Regional Office if: (1) The application was sent by registered or certified mail not later than July 30, 1979, as evidenced by the U.S. Postal Service postmark on the original receipt from the U.S. Postal Service; (2) an application delivered by hand must be delivered to the appropriate HEW Regional Office before close of business on July 30, 1979. As the Regional Offices have different hours of operation, applicants may wish to contact the Regional Office for the time of day that the office closes. The competitive review process is scheduled to be completed and grant awards made in August, 1979.

(Catalog of Federal Domestic Assistance Program Number 17.240, Youth Employment and Training.)

Dated: May 17, 1979.

Henlay A. Foster,

Acting Commissioner for Children, Youth and Families.

Approved: May 18, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

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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

INTERIOR DEPARTMENT

Fish and Wildlife Service—

24248 4-24-79 / Determination that Rhododendron chamanii is an endangered species

INTERNATIONAL TRADE COMMISSION

23823 4-23-79 / conflict of interest provisions

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

25614 5-1-79 / Livestock; grades and standards for feeder cattle; comments by 6-1-79

27426 5-10-79 / Milk in Indiana Marketing Area; comments by 5-30-79

Agricultural Stabilization and Conservation Service—

18978 3-30-79 / Dairy indemnity payment program (1978-81); comments by 5-29-79

Animal and Plant Health Inspection Service—

18980 3-30-79 / Smuggled birds; quarantine and release; comments by 5-29-79

Commodity Credit Corporation—

24854 4-27-79 / 1979 and subsequent crops peanut warehouse storage loans and handler operations; comments by 5-29-79

Federal Crop Insurance Corporation—

27107 5-9-79 / Raisin crop insurance; comments by 5-30-79

Food Safety and Quality Service—

56245 12-1-78 / Grapefruit juice, standards for grades; comment period extended to 6-1-79

[Originally published at 43 FR 28511, 6-3-78]

Rural Electrification Administration—

18979 3-30-79 / Specification for rural distribution transformers (overhead type); comments by 5-29-79

CIVIL AERONAUTICS BOARD

18689 3-29-79 / Hawaii; tariffs of air carriers; comments by 5-29-79

28826 5-17-79 / Mainland-Hawaii markets; comments 5-29-79

COMMERCE DEPARTMENT

Maritime Administration—

18996 3-30-79 / ODS rules for bulk cargo vessels engaged in worldwide service; comments by 5-29-79

National Oceanic and Atmospheric Administration—

21681 4-11-79 / Gulf of Mexico Fishery Management Council; comments by 5-27-79

16026 3-16-79 / Standardization of fishing products; comments by 6-1-79

CONSUMER PRODUCT SAFETY COMMISSION

28828 5-17-79 / Hair Dryers containing asbestos; comments by 6-1-79

ENERGY DEPARTMENT

24800 4-26-79 / Federal energy management and planning programs; comments by 5-29-79

Economic Regulatory Administration—

26113 5-4-79 / Crude oil buy/sell program, emergency allocation; comments by 5-31-79

18856 3-29-79 / Financial assistance programs for State utility regulatory commissions and eligible nonregulated electric utilities; comments by 5-29-79

18677 3-29-79 / Higher prices for tertiary incentive crude oil; comments by 5-30-79

Federal Energy Regulatory Commission—

24580 4-26-79 / Exemption of small conduit hydroelectric facilities from Part I of Federal Power Act; comments by 6-1-79

28683 5-16-79 / Interchange energy transmission rates for certain emergencies; limitations on percentage adders in electric rates; reply comments extended to 6-1-79

[Originally published at 44 FR 21683, 21686, Apr. 4, 1979]

ENVIRONMENTAL PROTECTION AGENCY

25473 5-1-79 / Air emissions by General Housewares Corp., Wagner Manufacturing Division; proposed approval of administrative order issued by Ohio Environmental Protection Agency; comments by 5-31-79

19212 4-2-79 / Air quality control regions, criteria, and control techniques; attainment status designations; comments by 6-1-79

25883 5-3-79 / Control of Nitrous Oxides from Motor Vehicles; Receipt of Application for Extension of Emmission Standard; Guidelines for application; comments by 6-1-79

22960 4-17-79 / Noise emission standards for transportation equipment, interstate rail carriers; comments by 6-1-79

25471 5-1-79 / Virginia State Implementation Plan regarding Hampton Roads Energy Co.; comments by 5-31-79

FEDERAL COMMUNICATIONS COMMISSION

18537 3-28-79 / Exemptions from provisions of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933; comments by 5-28-79

21831 4-12-79 / Exemption from watch requirements for Class III-B public coast stations; reply comments 5-29-79

21044 4-9-79 / FM broadcast station in Ava, Ill.; proposed changes in Table of Assignment; comments by 6-1-79

21045 4-9-79 / FM broadcast station in Beloit, Kans.; proposed changes in table of assignments; comments by 6-1-79

21046 4-9-76 / FM broadcast station in California, Missouri; proposed changes in table of assignments; comments by 6-1-79

21047 4-9-79 / FM broadcast station in Palmyra, Mo.; proposed changes in table of assignments; comments by 6-1-79

3999 1-19-79 / Industrial, scientific, and medical equipment; reply comments period extended to 6-1-79

[Originally published at 43 FR 46326, Oct. 6, 1978]

3661 1-17-79 / Inquiry into television receiver performance standards; comments by 6-1-79

12221 3-6-79 / Public utility distribution automation systems; use of radio; reply comments by 5-30-79 (See also 44 FR 17761, Mar. 23, 1979)

20465 4-5-79 / Rebroadcast of CB and Amateur transmissions of Emergency Information; comments by 5-30-79

21048 4-9-79 / Television broadcast station in Dillingham, Alaska; proposed changes in table of assignments; comments by 6-1-79

28028-28032 5-14-79 / Television broadcast stations in Georgia, Virginia, and Wisconsin changes in table of assignments (3 documents); comments by 6-2-79

21050 4-9-49 / Television broadcast station in San Jose, Calif.; proposed changes in table of assignments; comments by 6-1-79

25886 5-3-79 / Use of radio in Public Utility Distribution Automation Systems; comments by 5-30-79

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service—

18495 3-28-79 / Public use of Archives and FRC records and public use of donated historical materials; comments by 5-29-79

18492 3-28-79 / Records management, declassification of and public access to national security information; comments by 5-29-79

Public Buildings Service—

18705 3-29-79 / Federal space management; comments by 5-29-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

24866 4-27-79 / Chlortetracycline soluble powder to animal use; comments by 5-29-79

18246 3-27-79 / Dextrin; GRAS status as direct and indirect human food ingredient; comments by 5-29-79

22110 4-13-79 / Drug producers registration and listening in commercial distribution; clarification; notice of availability comments by 5-29-79

18242 3-27-79 / Formic acid, sodium formate, and ethyl formate; GRAS status as direct and indirect human food ingredient; comments by 5-29-79

Social Security Administration—

18238 3-27-79 / Pass along of Federal Supplemental Security Income Benefit cost-of-living increases to recipients of State supplementary payments; limitations on State costs for hold-harmless States; comments by 5-29-79

INTERIOR DEPARTMENT

Indian Affairs Bureau—

24584 4-26-79 / Leasing of tribal lands for mining; comments by 5-29-79

INTERSTATE COMMERCE COMMISSION

18711 3-29-79 / Rail carriers: commodities, miscellaneous; general exemption authority; comments by 5-29-79

25457 5-1-79 / Revisions to preliminary report of number of employees of Class I railroads and monthly report of employees, service and compensation, Forms A and B; comments by 5-31-79

25653 5-2-79 / Summary grant procedures (finance); comments by 6-1-79

JUSTICE DEPARTMENT

Drug Enforcement Administration—

24584 4-26-79 / Narcotic substance calculations; comments by 5-29-79

Immigration and Naturalization Service—

18979 3-30-79 / Nonresident alien border crossing cards; comments by 5-29-79

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

19214 4-2-79 / Availability of draft of Federal Acquisition Regulation; comments by 5-30-79

PERSONNEL MANAGEMENT OFFICE

18927 3-30-79 / Appointment, reassignment, transfer and development in the Senior Executive Service; comments by 5-29-79

SECURITIES AND EXCHANGE COMMISSION

25470 5-1-79 / Suspension of duty to file reports upon termination of registration; comments by 5-30-79

STATE DEPARTMENT

18699 3-29-79 / Passports; denial to minors and in case of criminal court order; comments by 5-29-79

TRANSPORTATION DEPARTMENT

Coast Guard—

24586 4-26-79 / Buffalo Harbor, N.Y., anchorage grounds; comments by 5-29-79

22686 4-16-79 / Navigation safety provisions; comments by 6-1-79

22476 4-16-79 / Notification of marine casualties; comments by 6-1-79

Federal Aviation Administration—

12685 3-8-79 / Rotorcraft regulatory review program; comments by 5-31-79

Materials Transportation Bureau—

7988 2-8-79 / Transportation of hazardous waste materials; comments by 6-1-79

National Highway Traffic Safety Administration—

10995 2-26-79 / Federal motor vehicle safety standards; fields of direct view, rearview mirror systems; comments by 5-29-79

58843 12-18-78 / Modification of design specifications for anthropomsophic test dummies; comments by 6-1-79

TREASURY DEPARTMENT

Internal Revenue Service—

18700 3-29-79 / Excise taxes on excess contributions to plans covering self-employed individuals; comments by 5-29-79

18992 3-30-79 / Income tax; income of mutual or cooperative telephone companies; comments by 5-29-79

WAGE AND PRICE STABILITY COUNCIL

23776 4-20-79 / Modification of price standard and adoption of procedural rules; comments by 5-31-79

Next Week's Meetings

AGING, FEDERAL COUNCIL

28110 5-14-79 / Washington, D.C. (open). 5-31 and 6-1-79

AGRICULTURE DEPARTMENT

Forest Service—

26958 5-8-79 / Fremont National Forest Grazing Advisory Board, Lakeview, Ore. (open), 5-31-79

24895 4-27-79 / National Forest System Advisory Committee, Missoula, Mont. (open), 5-29 through 5-31-79

ARTS AND HUMANITIES NATIONAL FOUNDATION

26815 5-7-79 / Humanities Panel, Washington, D.C. (closed), 5-31-79

28736 5-16-79 / Theatre Advisory Panel, Washington, D.C., (partially open), 6-2-79

CIVIL RIGHTS COMMISSION

28394 5-15-79 / California Advisory Committee, San Francisco, Calif. (open), 6-1-79

26960 5-8-79 / Connecticut Advisory Commission, Meriden, Conn. (open), 5-31-79

26138 5-4-79 / Minnesota Advisory Committee, St. Paul, Minn. [open], 5-29-79

27469 5-10-79 / Ohio Advisory Committee, Cincinnati, Ohio (open), 6-2-79

28034 5-14-79 / Virginia Advisory Commission, Richmond, Va. (open), 5-29-79

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

27232 5-9-79 / Gulf of Mexico and South Atlantic Fishery Management Council's Coral Advisory Subpanels, Tampa, Fla. (open), 5-31-79

25895 5-3-79 / Sea Grant Review Panel, Rockville, Md. (open, 5-30 and 5-31-79

Office of the Secretary—

26780 5-7-79 / Commerce Technical Advisory Board, Minneapolis, Minn. (open), 5-31 and 6-1-79

DEFENSE DEPARTMENT

Air Force Department—

25659 5-2-79 / USAF Scientific Advisory Board, Ad Hoc Committee on Scientific and Engineering Manpower, Washington, D.C. (closed), 5-30 and 5-31-79

Army Department—

26961 5-8-79 / Armed Forces Epidemiological Board, Washington, D.C. (open), 5-31 thru 6-1-79

25264 4-30-79 / Defense Intelligence Agency Advisory Committee, CINCPAC, Hawaii (closed), 5-30 and 5-31-79

28036 5-14-79 / Military Personnel Property Symposium, Alexandria, Va. (open), 5-31-79

Office of the Secretary—

17207 3-21-79 / Department of Defense Wage Committee, Alexandria, Va. (closed), 5-29-79

29137 5-18-79 / Task Force on Evaluation of Audit Inspection and Investigative Components of the Department of Defense, Washington, D.C. (open), 5-31-79

EMPLOYMENT AND UNEMPLOYMENT STATISTICS, NATIONAL COMMISSION

24963 4-27-79 / Washington, D.C. (open), 5-31 and 6-1-79

ENERGY DEPARTMENT

Office of the Secretary—

27233 5-9-79 / Committee on U.S. Petroleum Inventories and Storage Capacities Coordinating Subcommittee, Houston, Tex. (open), 5-30-79

28707 5-16-79 / Committee on Materials and Manpower Requirements, Houston, Tex. (open), 5-31 and 6-1-79

ENVIRONMENTAL PROTECTION AGENCY

24888 4-27-79 / Air pollution; delayed compliance orders; Alabama; comments by 5-29-79

24888 4-27-79 / Air pollution; delayed compliance orders; Virginia; comments by 5-29-79

27263 5-9-79 / Environmental Measurements Committee, Washington, D.C. (open), 5-29-79

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

22812 4-17-79 / Wash., D.C. (open), 5-31-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

23123 4-18-79 / Board of Scientific Counselors (closed) 5-31 and 6-1-79

Education Office—

28728 5-16-79 / Indian Education National Advisory Council, Reno, Nev. (open), 6-1 and 6-2-79

Food and Drug Administration—

22815 4-17-79 / Anti-Infective Drugs Subcommittee of the Anti-Infective and Topical Drugs Advisory Committee, Rockville, Md. (open), 5-31 and 6-1-79

22816 4-17-79 / Fertility and Maternal Health Drugs Advisory Committee, Rockville, Md. (open), 5-31 and 6-1-79

26416 5-15-79 / Gastroenterology. Urology Devices Section of the General Medical Devices Panel, Washington, D.C. (open), 6-1-79

22815 4-17-79 / Gastrointestinal Drugs Advisory Committee; Rockville, Md (open), 5-31 and 6-1-79

[Amended at 44 FR 28420; May 15, 1979]

284143 5-15-79 / Miscellaneous Internal Drug Products Panel, Bethesda, Md. (open), 6-2-79

22815 4-17-79 / Neurological Devices Section of the Respiratory and Nervous System Devices Panel Silver Spring, Md. (open), 5-29-79

28413 5-15-79 / Radio Phamaceutical Drugs Advisory, Rockville, Md. (open), 6-1-79

National Institutes of Health—

27266 5-9-79 / Animal Resources Review Committee, Bethesda, Md. (partially open), 5-30 and 5-31-79

27497 5-10-79 / Bacteriology and Mycology Study Section, Bethesda, Md. (open), 5-31—6-2-79

27265 5-9-79 / Bladder and Prostatic Cancer Review Committee (Prostatic Subcommittee), Buffalo, N.Y. (partially open), 6-1-79

28878 5-17-79 / Board of Scientific Counselors, Research Triangle Park, N.C. (open), 5-30—6-1-79

24238 4-24-79 / General Medical Sciences National Advisory Council, Bethesda, Md. (partially open), 5-31 and 6-1-79

21894 4-12-79 / Maternal and Child Health Research Committee, Bethesda, Md. (open and closed), 5-31 and 6-1-79

18742 3-29-79 / National Heart, Lung and Blood Advisory Council and Manpower Subcommittee and Research Subcommittee, Bethesda, Md. (open and closed), 5-31, 6-1 and 6-2-79

25928 5-3-79 / National Institute of Arthritis, Metabolism, and Digestive Diseases; Board of Scientific Counselors meeting, Bethesda, Md. (open), 6-1 and 6-2-79

INTERIOR DEPARTMENT

Historic Preservation Advisory Council—

25893 5-3-79 / Public Informational Meeting, Jacksonville, Oregon, (open) 5-31-79

Land Management Bureau—

24644 4-26-79 / Public lands in Nevada, open house, Hawthorne, Nev., 5-30-79

National Park Service—

27757 5-11-79 / Cape Cod National Seashore Advisory Committee, South Wellfleet, Mass. (open), 6-1-79

27758 5-11-79 / Gateway National Recreation Area, Brooklyn, N.Y. (open), 5-29 and 5-31-79

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

26814 5-7-79 / NASA Advisory Council Aeronautics Advisory Committee, Hampton, Fa. (open), 5-30 and 5-31-79

NATIONAL SCIENCE FOUNDATION

27773 5-11-79 / Mathematical Sciences Subcommittee of the Advisory Committee for Mathematical and Computer Sciences, Washington, D.C. (partially open), 5-31 and 6-1-79

NUCLEAR REGULATORY COMMISSION

28736 5-16-79 / Reactor Safeguards Advisory Committee, Washington, D.C. (closed), 5-31 and 6-1-79

28434 5-15-79 / Reactor Safeguards Advisory Committee, Subcommittee on Combination of Dynamic Loads, Washington, D.C. (open), 5-30-79

[Originally published at 44 FR 24174, Apr. 24, 1979 and 44 FR 25535, May 1, 1979]

29182 5-18-79 / Reactor Safeguards Advisory Committee, Subcommittee on Reliability and Probabilistic Assessment, Washington, D.C. (open), 6-2-79

28434 5-15-79 / Study of Nuclear Power Plant Construction During Ajudication Advisory Committee, Bethesda, Md. (open), 6-1-79

PRESIDENT'S COMMISSION ON THE ACCIDENT AT THREE MILE ISLAND

28903 5-17-79 / Washington, D.C. (open), 5-30 through 6-1-79

STATE DEPARTMENT

Agency for International Development—

24868 4-27-79 / Nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from Federal financial assistance; comments by 5-29-79

Office of the Secretary—

28438 5-15-79 / International Intellectual Property Advisory Committee, Washington, D.C. (open), 5-29-79

27525 5-10-79 / Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea, Washington, D.C.; 5-30-79

27526 5-10-79 / Study Group 4 of the U.S. Organization for the International Telegraph and Telephone Consultative Committee, Washington, D.C. (open), 5-31-79

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

24576 4-26-79 / Informal airspace meeting, Grapevine, Tx. (open), 5-31-79

27526 5-10-79 / Informal airspace meeting, Schenectady, N.Y. (open), 5-31-79

24675 4-26-79 / Memphis terminal control area, Memphis, Tenn. (open), 5-30-79

25964 5-3-79 / Radio Technical Commission for Aeronautics (RTCA); Executive Committee; Rescheduled; Washington, D.C. (open); 6-1-79

[See also 44 FR 23400, Apr. 19, 1979]

27526 5-10-79 / Radio Technical Commission for Aeronautics, Special Committee 133, Washington, D.C. (open), 5-30 through 6-1-79

National Highway Traffic Safety Administration—

15823 3-15-79 / Regional Safety Belt Usage Workshops, Atlanta, Ga. (open), 5-30 through 6-1-79

TREASURY DEPARTMENT

Office of the Secretary—

25966 5-3-79 / Public Meeting to Discuss United States-Argentina Tax Treaty; Washington, D.C. (open), 5-31-79

25966 5-3-79 / Discussion of United States-Norway Tax Treaty; Washington, D.C. (open); 5-30-79

VETERANS ADMINISTRATION

17251 3-21-79 / Wage Committee, Washington, D.C., 5-31-79

Next Week's Public Hearings

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

29135 5-18-79 / Gulf of Mexico Fishery Management Council, St. Petersburg, Fla., 5-30-79

[Orginally published at 44 FR 21681, Apr. 11, 1979]

25484 5-1-79 / New England Fishery Management Council; Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder), Long Island, N.Y., 5-29-79

25484 5-1-79 / New England Fishery Management Council; Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder), New Bedford, Mass., 5-30-79

ENERGY DEPARTMENT

Economic Regulatory Administration—

26113 5-4-79 / Crude oil buy/sell program, emergency allocation, Washington, D.C., 5-31-79

26060 5-4-79 / Emergency allocation provisions of the crude oil buy/sell program, Washington, D.C., 5-31-79

27676 5-11-79 / Natural gas curtailment priority regulations, administrative procedures for adjustment, Washington, D.C., 5-30-79

ENVIRONMENTAL PROTECTION AGENCY

24329 4-25-79 / Air quality implementation plans; preparation, adoption, and submittal: Tall stacks, Washington, D.C., 5-31-79

26769 5-11-79 / Emission control system performance warranty provisions, Chicago, Ill., 5-31-79

[Originally published at 44 FR 23789, Apr. 20, 1979]

HEALTH, EDUCATION AND WELFARE DEPARTMENT

Health Care Financing Administration—

21367 4-10-79 / Pharmaceutical Reimbursement Board, proposed MAC'S, Washington, D.C., 5-30 and 5-31-79

INTERIOR DEPARTMENT

Fish and Wildlife Service—

27191 5-9-79 / Reclassification of the American alligator, Tallahassee, Fla., 5-29-79

Office of the Secretary—

24649 4-26-79 / Shoshone Resource Planning Area, Boise, Idaho, 5-31-79

24649 4-26-79 / Shoshone Resource Planning Area, Shoshone, Idaho, 5-30-79

INTERNATIONAL TRADE COMMISSION

25523 5-1-79 / Integrated circuits and their use in computers, San Francisco, Calif., 5-30-79

TRANSPORTATION DEPARTMENT

Coast Guard—

24675 4-26-79 / Bohemia River drawbridge, Chesapeake, Md., 5-31-79

Federal Railroad Administration—

26233 5-4-79 / Illinois Central Gulf Railroad, St. Louis, Mo., 5-31-79

National Highway Traffic Safety Administration—

25965 5-3-79 / 1970-73 Ford Maverick and 1971-73 Mercury Comet; Washington, D.C., 5-29-79

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 22, 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

29053 5-18-79 / HEW-PHS—Health professions student loans; effective 5-18-79

28588 5-15-79 / Labor/MSHA—Procedures and requirements for applying for, receiving, and administering State grants; effective 6-14-79

DEADLINES FOR COMMENTS ON PROPOSED RULES

29121 5-18-79 / HEW-OE—Consolidated grant applications for insular areas; comments by 7-13-79

[Correction to document appearing at 44 FR 28012, May 14, 1979]

28758 5-16-79 / HEW/OE—Financial assistance for consumers' education projects; comments by 7-2-79

28012 5-14-79 / HEW/OE—Provisions for consolidated grant applications for insular areas; comments by 7-13-79

28238 5-14-79 / HEW/OE—Revision of provisions for grants to state educational agencies for educational improvement, resources, and support; comments by 7-13-79

28184 5-14-79 / HEW-OE—Revision of regulations for program for migratory children comments by 7-13-79

APPLICATIONS DEADLINES

29412 5-18-79 / HEW-HDSO—Vocational rehabilitation; grant funds for a new model spinal cord injury system; apply by 6-20-79

28600 5-15-79 / HUD-CP&D—Targeted Jobs Demonstration Program; availability of funds; letters of intent by 6-25-79; apply by 10-10-79

28118 5-14-79 / Justice/LEAA—Competitive research grant solicitation to support study of relationship of staffing ratios to prison environments; submit proposals by 7-15-79

MEETINGS

28726 5-16-79 / HEW/ADAMHA—Alcohol Abuse Prevention Committee, Rockville, Md. (partially open), 6-4 and 6-5-79

28726 6-16-79 / HEW/ADAMHA—Alcohol Biomedical Research Review Committee, Bethesda, Md. (partially open), 6-13 through 6-15-79

28726 5-16-79 / HEW/ADAMHA—Alcohol Psychosocial Research Review Committee, Bethesda, Md. (partially open), 6-13 through 6-15-79

28726 5-16-79 / HEW/ADAMHA—Alcohol Training Review Committee, Rockville, Md. (partially open), 6-14 6-15-79

28726 5-16-79 / HEW/ADAMHA—Basic Sociocultural Research Review Committee, Washington, D.C. (partially open), 6-20 through 6-22-79

28726 5-16-79 / HEW/ADAMHA—Mental Health Research Education Review Committee, Rockville, Md. (partially open), 6-12 through 6-21-79

28726 5-16-79 / HEW/ADAMHA—Minority Group Mental Health Review Committee, Washington, D.C. (partially open), 6-28 through 6-30-79

28726 5-16-79 / HEW/ADAMHA—Psychopathology and Clinical Biology Research Review Committee, Washington, D.C. (partially open), 6-11 through 6-13-79

28726 5-16-79 / HEW/ADAMHA—Research Scientist Development Review Committee, Silver Spring, Md. (partially open), 6-6 through 6-9-79

28238 5-14-79 / HEW/OE—Meetings on revision of provisions for grants to state educational agencies for educational improvement, resources and support, all regions (open), 6-19-79

28434 5-15-79 / NFAH—Literature Advisory Panel, St. Louis, Mo. (partially open), 6-1 through 6-3-79

28736 5-16-79 / NFAH—Theatre Advisory Panel, Washington, D.C. (partially open), 6-2-79

29182 5-18-79 / NSF—Ad Hoc Oversight Subcommittee for Low Temperature Physics, Washington, D.C. (closed), 6-7 and 6-8-79

29182 5-18-79 / NSF—Subcommittee on Neurokiology, Washington, D.C. (closed), 6-4 through 6-6-79

OTHER ITEMS OF INTEREST

28880 5-17-79 / HEW/OE—Educational Information Centers Program; transmittal of state plans by 7-23-79

28010 5-14-79 / HEW/PHS—NCI grants for research and demonstration centers; withdrawal of notice of proposed rulemaking

28433 5-14-79 / LSC—Grants and contracts; Migrant Legal Action Program; comments invited

OTHER ITEMS OF INTEREST

29131 5-18-79 / USDA/FmHA—Rural rental housing loans, elderly housing, memorandum of understanding with Aging Administration

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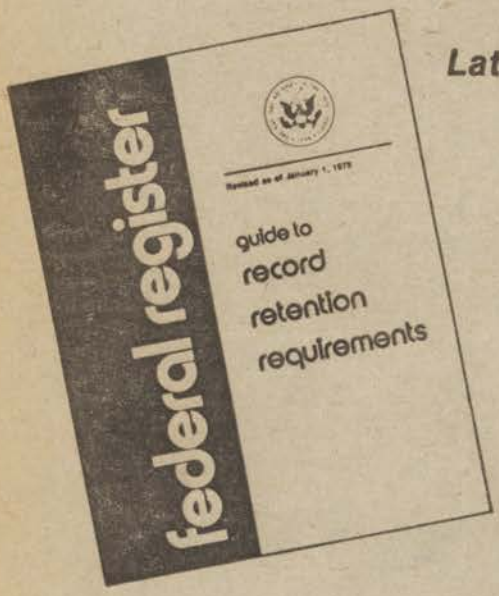

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