

Wednesday
July 11, 1979

Federal Register

Highlights

CUMULATIVE LIST OF PUBLIC LAWS—The first cumulative list of public laws for the first session of the 96th Congress will be published in the reader aids section of the issue of Wed., July 18, 1979

- 40525 Rates Schedules of Electric Utilities** DOE/FERC proposes amending regulations to prevent charge of certain research, development, and demonstration contributions to customers; comments by 8-8-79
- 40532 AM, FM and Television Broadcast Station Commercials** FCC requests public views and information regarding elimination of objectionable loudness; comments by 12-15 and 2-15-79
- 40612, 40616, 40617 Statistical Capabilities of State Educational Agencies** HEW/OE establishes interim rules, and invites applications governing awards of discretionary grants; comments by 9-10-79, applications by 8-16-79 (Part IV of this issue) (4 documents)
- 40624 Audit Requirements for State and Local Governments** OMB offers comment period on proposed revisions governing audits of federally assisted programs; comments by 9-10-79 (Part VI of this issue)

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- 40598 Wild Fauna and Flora** ESSA proposes general provisions and the convention on international trade in endangered species; comments by 9-10-79 (Part II of this issue)
- 40534 Wildlife Development Areas** Interior/FWS proposes to delete rules for areas on lands outside the National Wildlife Refuge System; comments by 8-10-79
- 40523 Textile Products and Leather Wearing Apparel** FTC identifies subjects for discussion and oral presentations on care labeling at meeting 7-18-79
- 40521 Claims of Patent and Copyright Infringement** DOE proposes requirements for filing of claims; comments by 8-15-79
- 40609 Tobacco Loan Program** USDA/CCC is considering extending price support availability on limited quantities of untied burley tobacco in 1979 crop year; comments by 8-10-79 (Part III of this issues)
- 40608 Burley Tobacco** USDA/AMS proposes official standard grades; comments by 8-10-79 (Part III of this issue)
- 40536 Foster Grandparent Program and Senior Companion Program** ACTION corrects income eligibility level for individuals in State of Nevada; effective 6-13-79
- 40532 Underground Injection Control** EPA repropose rules and invites comments; comments by 9-12-79
- 40524 Export of Noncomplying Products** CPSC extends comment period for proposed rules; comments by 9-10-79
- 40494, 40495 Foreign Air Carrier Applications** CAB permits filing of applications directly rather than through the State Department; effective 7-3-79 (2 documents)
- 40497 Wagering Tax Returns** Treasury/IRS issues regulations relating to place for filing; effective 7-11-79
- 40593 Sunshine Act Meetings**

Separate Parts of This Issue

- 40598** Part II ESSA
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40612 Part IV, HEW/OE
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40624 Part VI, OMB

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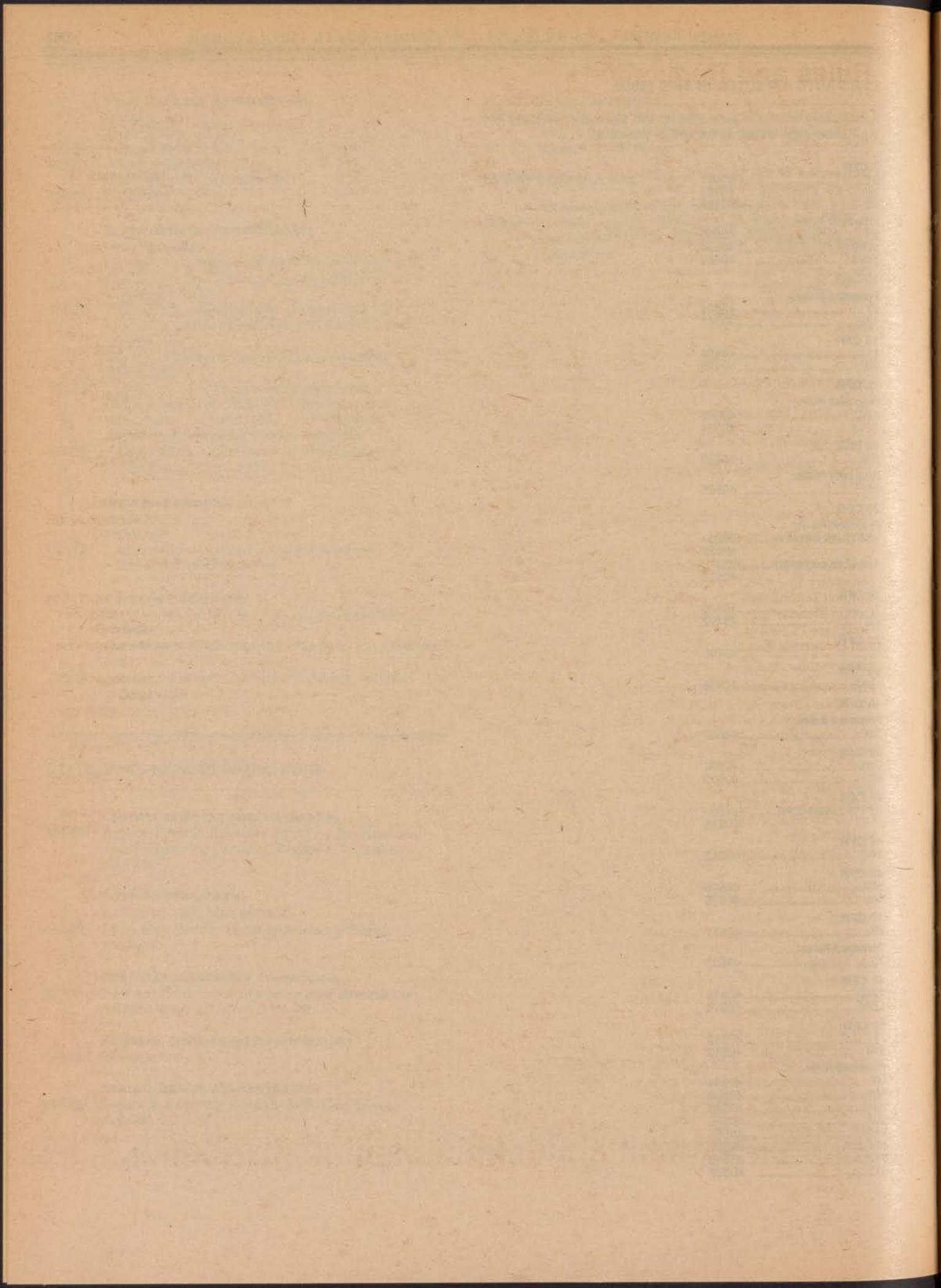
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Rules and Regulations

Federal Register

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 27, 28, and 61

Cotton and Cottonseed; Revision in Fees

AGENCY: Agricultural Marketing Service.

ACTION: Final rulemaking.

SUMMARY: A Revision in Fees is Necessary Due to the Increased Cost for Cotton Classing and Related Services, Cotton Standards supervision of Cottonseed Grading, and Cotton Fiber and Processing Tests.

EFFECTIVE DATE: August 1, 1979

FOR FURTHER INFORMATION CONTACT: Mr. Julius Jerome Boyd, Marketing Services Branch, Cotton Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Tel. (202) 447-7857.

SUPPLEMENTARY INFORMATION: Pursuant to the U.S. Cotton Futures Act, U.S. Cotton Standards Act, Agricultural Marketing Act of 1946, and the Cotton Statistics and Estimates Act, the fees relating to cotton classing, standards and inspection sampling, and certification of cottonseed, and for cotton fiber and processing tests are hereby amended to reflect increased cost since the last adjustment in fees on July 1, 1976.

In this revision, certain cotton fiber and processing tests that have become obsolete are deleted, and those minimum fees which are no longer appropriate have been eliminated.

The need for these increased fees and the amount thereof are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, pursuant to the administrative procedure provisions in 5

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

The conduct of all services and the licensing of inspection/grading/sampling personnel under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

1. Sections 27.80 and 27.81 are revised to read as follows:

§ 27.80 Fees; classification Micronaire, and supervision.

For services rendered by the Cotton Division pursuant to this subpart, whether the cotton involved is tenderable or not, the person requesting the services shall pay fees as follows:

- (a) Initial classification and certification—75 cents per bale.
- (b) Review classification and certification—90 cents per bale.
- (c) Micronaire determination and certification—15 cents per bale.
- (d) Combination service—\$1.50 per bale. (Initial classification, review classification, and Micronaire determination covered by the same request and only the review classification and Micronaire determination results certified on cotton class certificates.)
- (e) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any two or more of these operations are performed together—90 cents per bale.
- (f) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any one of these operations is performed individually—90 cents per bale.
- (g) Supervision, by a supervisor, of cotton inspection, of transfers of cotton to a different delivery point, including issuance of new cotton class certificates in substitution for prior certificates—\$1.90 per bale.
- (h) Supervision, by a supervisor of cotton inspection, of transfers of cotton to a different warehouse at the same

delivery point, including issuance of new cotton class certificates in substitution for prior certificates—\$1.20 per bale.

§ 27.81 Fees; certificates.

For each new certificate issued in substitution for a prior certificate at the request of the holder thereof, for his business convenience, or when made necessary by the transfer of the cotton under the supervision of an exchange inspection agency as provided in § 27.73, the person making the request shall pay a fee of 35 cents for each certificate issued.

(90 Stat. 1841-1846; (7 U.S.C. 15b))

PART 28—COTTON CLASSING, TESTING AND STANDARDS

2. Sections 28.116, 28.117, 28.122, 28.123, 28.148, and 28.151 are revised to read as follows:

§ 28.116 Amounts of fees for classification; exemption.

(a) For the classification of any cotton or samples, the person requesting the services shall pay a fee, as follows, subject to the minimum fee provided in paragraph (c) of this Section:

- (1) Grade, staple, and micronaire reading—90 cents per sample.
- (2) Grade and staple only—75 cents per sample.
- (3) Grade only or staple only—50 cents per sample.
- (4) Micronaire reading only—15 cents per sample.

(b) When a comparison is requested of any samples with a type or with other samples, the fees prescribed in paragraph (a) of this section shall apply to every sample involved, including each of the samples of which the type is composed.

(c) A minimum fee of \$5.00 shall be assessed for services described in paragraphs (a) and (b) of this section for each lot or mark of cotton reported or handled separately, unless the request for service is so worded that the samples become Government property immediately after classification.

(d) For any review of classification or comparison of any cotton, the fees prescribed in paragraph (a) of this section shall apply. The minimum fee prescribed in paragraph (c) of this section is not applicable to review of classification or comparison.

(e) The fees provided for in paragraphs (a) and (b) of this section may be waived in whole or in part, as to the classification and comparison and the review, if any, of any cotton (1) for any governmental agency; (2) to facilitate a cotton program of any governmental agency, and (3) for a charitable or philanthropic organization if such cotton will be used in accordance with an act of Congress or a congressional resolution for the relief of distress or will be exchanged for goods to be so used. The samples accumulated in the classification or certification of cotton for a governmental agency or to facilitate a cotton program of any governmental agency shall be disposed of as required by such agency.

§ 28.117 Fee for new memorandum or certificate.

For each new memorandum or certificate issued in substitution for a prior memorandum or certificate at the request of the holder, thereof, on account of the breaking or splitting of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting such substitution shall pay a fee of \$1.50 per sheet.

§ 28.122 Fee for practical classing examination.

The fee for the complete practical classing examination for cotton or cotton linters shall be \$75.00. Any applicant who passes both parts of the examination may be issued a certificate indicating this accomplishment. Any person who passes one part of the examination, either grade or staple, and fails to pass the other part, may be reexamined for the part that was failed. The fee for this partial reexamination is \$40.00.

§ 28.123 Cost of practical forms of cotton standards.

The cost of practical forms of the cotton standards of the United States shall be as follows:

Grade standards	Dollars each box	
	Domestic shipments f.o.b. Memphis, TN	Shipments delivered outside the continental United States
American Upland:		
12-sample official boxes (Universal Standards).....	35.00	45.00
6-sample guide boxes.....	20.00	27.00
American Pima:		
6-sample official boxes.....	35.00	45.00
Standards for length of staple		
American upland (prepared in one pound rolls for each length).....	6.00	7.00
American Pima (prepared in one pound rolls for each length).....	7.00	8.00

§ 28.148 Fees and costs; classifications; reviews; other.

The fee for the classification, comparison, or review of linters with respect to grade, staple, and character or any of these qualities shall be at the rate of 75 cents for each bale or sample involved. The provisions of §§ 28.115 through 28.126 relating to other fees and costs shall, so far as applicable, apply to services performed with respect to linters.

§ 28.151 Cost of practical forms for linters; period effective.

Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.105; *Provided*, that no practical form of any of the official cotton linters standards of the United States for grade shall be considered as representing any of said standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The cost of the official standards for grade shall be at the rate of \$20.00 each, f.o.b., Memphis, Tennessee, for shipments within the continental United States, and \$27.00 each, delivered to destination, for shipments outside the United States. The cost of the official standards for staple shall be at the rate of \$5.00 each, f.o.b., Memphis, Tennessee, for shipments within the continental United States, and \$6.00 each, delivered to destination, or shipments outside the continental United States.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

3. Section 28.184 is revised to read as follows:

§ 28.184 Cotton linters; general.

Requests for the classification or comparison of cotton linters pursuant to this subpart and the samples involved shall be submitted to the Board of Cotton Linters Examiners. All samples classed shall be on the basis of the official cotton linters standards of the United States. The fee for classification or comparison and the issuance of a memorandum showing the results of such classification or comparison shall be 75 cents per sample.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.)

Organized Groups of Producers

4. Sections 28.910 and 28.911 are revised to read as follows:

§ 28.910 Classification of samples and issuance of memorandums.

(a) The samples submitted as provided in this subpart shall be classified by employees of the Division and a classification memorandum showing the grade, staple length, and micronaire reading of each sample according to the official cotton standards of the United States will be mailed or made available to the producer whose name appears on the tag accompanying the sample, or to a representative designated by the producer or the organized group to receive the classification memorandum.

(b) Upon the request of an owner of cotton for which classification memorandums have been issued under this subpart a new memorandum shall be issued for the business convenience of such owner without the reclassification of the cotton. Such rewritten memorandum shall bear the date of its issuance and the date or inclusive dates of the original classification. The fee for a new memorandum shall be \$1.50 per sheet.

§ 28.911 Review classification.

A producer may request one review classification for each bale of eligible cotton. The fee for review classification is 75 cents per sample. Samples for review classification may be drawn by gins or warehouses licensed pursuant to §§ 28.20-28.22, or by employees of the United States Department of Agriculture. Each sample for review classification shall be taken, handled and submitted according to § 28.908 and to supplemental instructions issued by the Director or his representatives. Costs incident to sampling, tagging, identification, containers, and shipment for samples for review classification shall be without expense to the Government.

(Sec. 10, 42 Stat. 1519, Sec. 3c, 50 Stat. 62; 7 U.S.C. 61, 473c.)

5. Section 28.956 is revised to read as follows:

§ 28.956 Prescribed fees.

Fees for fiber and processing tests shall be assessed as listed below:

Item No.	Kind of Test	
1.0	Furnishing USDA calibration cotton in the short, medium long and extra long staple lengths, including standard values for length by both array and Fibrograph methods, strength by flat bundle method at 1/2 inch gauge, and maturity and fineness by the Causticairé methods:	
	a. By surface delivery, 1-lb. sample.....	\$15.00
	b. By air delivery within the U.S., 1-lb. sample.....	17.00

Item No.	Kind of Test	Item No.	Kind of Test	Item No.	Kind of Test
2.0	c. By air delivery outside the U.S., 1-lb. sample 20.00 Furnishing international calibration cotton standards with standard values for micronaire reading and Pressley fiber strength at zero gauge: a. By surface delivery, 1/2-lb. sample.... 10.00 b. By air delivery within U.S., 1/2-lb. sample..... 12.00 c. By air delivery outside U.S., 1/2-lb. sample..... 14.00	6.0	Fiber maturity and fineness of ginned cotton lint by the Causticaire method. Reporting the average maturity, fineness, and micronaire reading as based on 2 specimens from a blended sample, per sample 6.00 Minimum fee..... 18.00	15.1	Processing and furnishing of additional yarn. Any yarn number processed in connection with spinning tests as specified in items 9, 11, 12, and 13. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn 25.00
3.0	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each 1/2-inch group, average length, and average length variability as based on 3 specimens from a blended sample: a. Ginned cotton lint, per sample 35.00 b. Cotton comber noils, per sample 45.00 c. Other cotton wastes, per sample 55.00	7.0	Micronaire readings on ginned cotton lint. Reporting the micronaire reading as based on 1 specimen from each sample, per sample15 Minimum fee..... 5.00	16.0	Twist in yarns by direct-counting method. Reporting direction of twist and average turns per inch of yarn. a. Single yarns based on 40 specimens per lot of yarn 60.00 b. Plied or cabled yarns based on 10 specimens per lot of yarn..... 16.00
3.1	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each 1/2-inch group, average length, and average length variability as based on 2 specimens from a blended sample: a. Ginned cotton lint, per sample 25.00 b. Cotton comber noils, per sample 30.00 c. Other cotton wastes, per sample 40.00	8.0	Neps content of ginned cotton lint. Reporting the neps per 100 square inches as based on the web prepared from a 3-gram specimen by using accessory equipment with the mechanical fiber blender, per sample... 8.00	17.0	Skein strength of yarn. Reporting data on the strength and the yarn numbers based on 25 skeins from yarn furnished by the applicant, per sample..... 5.50
3.2	Fiber array of cotton samples, including purified or absorbent cotton. Reporting the average percentage of fibers 1/2-inch and longer by weight, the average of fibers shorter than 1/2-inch by weight, average length, and average length variability as based on 3 specimens from each sample, per sample..... 35.00	9.0	Cotton carded yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn imperfections, and classification and fiber length as specified in items 25 and 4 as well as comments summarizing any unusual observations as based on the processing of 6 pounds of cotton in accordance with standard laboratory procedures at one of the standard rates of carding of 6 1/2, 9 1/2, or 12 1/2 pounds-per-hour into two of the standard carded yarn numbers of 8s, 14s, 22s, 36s, 44s, or 50s, employing a standard twist multiplier unless otherwise specified, per sample 35.00	17.1	Appearance grade of yarn furnished on bobbins by applicant. Reporting the appearance grade in accordance with ASTM standards as based on yarn wound from one bobbin, per bobbin..... 2.00
4.0	Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 4 specimens from a blended sample, per sample 4.00 Minimum fee unless performed in connection with other tests requiring a blended specimen..... 8.00	10.0	Spinning potential test. Determining the finest yarn which can be spun with no ends down and reporting spinning potential yarn number. This test is made in connection with item 9 and requires an additional 4 pounds of cotton per sample 75.00	17.2	Furnishing yarn wound on boards in connection with yarn appearance tests as specified in item numbers 9, 11, 12, 13 and 14, per yarn number 2.50
4.1	Fiber length of ginned cotton lint by Fibrograph method. Reporting the length of each sub-sample and average length and average length uniformity for each group of replicate sub-samples as based on 2 specimens from each of 3 or more replicate un-blended sub-samples, per sub-sample 3.00 Minimum fee 6.00	11.0	Cotton combed yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn imperfections, and classification and fiber length as specified in items 25 and 4 as well as comments summarizing any unusual observations as based on the processing of 8 pounds of cotton in accordance with standard procedures at one of the standard rates of carding of 4 1/2, 6 1/2, or 9 1/2 pounds-per-hour into two of the standard combed yarn numbers of 22s, 36s, 44s, 50s, 60s, 80s, or 100s employing a standard twist multiplier unless otherwise specified, per sample 110.00	18.0	Strength of cotton fabric. Reporting the average warp and filling strength by the grab method as based on 5 breaks for both warp and filling of fabric furnished by the applicant, per sample 10.00
5.0	Pressley strength of ginned cotton lint by flat bundle method for either zero or 1/2-inch gauge as specified by applicant. Reporting the average strength as based on 6 specimens from a blended sample, per sample.. 4.00 Minimum fee unless performed in connection with other tests requiring a blended sample..... 8.00	12.0	Cotton carded and combed yarn spinning test. Reporting the results specified in item numbers 9 and 11 in combination as based on the processing of 10 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing the same carding rate and the same yarn numbers for both the carded and the combed yarns, per sample 150.00	18.1	Cotton fabric analysis. Reporting data on the number of warp and filling threads per inch and the weight per yard of fabric as based on at least three (3) 6 x 6-inch specimens of fabric which was processed as specified in item number 19, or furnished by the applicant, per sample 20.00 Minimum fee 40.00
5.1	Pressley strength of ginned cotton lint by flat bundle method for either zero or 1/2-inch gauge as specified by applicant. Reporting the strength of each sub-sample and the average strength for each group of replicate sub-samples as based on 2 specimens for each of 3 or more replicate un-blended sub-samples, per sub-sample 2.00 Minimum fee..... 6.00	13.0	Cotton carded and combed yarn spinning test. Reporting the results specified in item numbers 9 and 11 in combination as based on the processing of 9 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing different carding rates and/or yarn numbers for the carded and combed yarns, per sample..... 170.00	19.0	Color of ginned cotton lint. Reporting data on the reflectance in terms of Rd values and the degree of yellowness in terms of b values as based on color tests employing the Nickerson-Hunter Cotton Colorimeter on samples which use a uniform surface measuring 5 x 6 1/2 inches and weighing approximately 50 grams in order to provide specimens which are sufficiently thick to be opaque, per sample35 Minimum fee..... 3.50
5.2	Stelometer strength and elongation of ginned cotton lint by the flat bundle method for 1/2-inch gauge. Reporting the average strength and elongation as based on 6 specimens from a blended sample, per sample..... 5.00 Minimum fee unless performed in connection with other tests requiring blended sample 15.00	14.0	Two-pound cotton carded yarn spinning test available to cotton breeders only. Reporting data on yarn skein strength, yarn appearance, yarn imperfections, and the classification and the fiber length of the cotton as specified in item numbers 25 and 4 as well as comments on any unusual processing performance as based on the processing of 2 pounds of cotton in accordance with standard procedures into two standard carded yarn numbers employing a standard twist multiplier, per sample 65.00	20.0	Furnishing color standards, including a set of standard tiles and a master diagram for use in calibrating Nickerson-Hunter Cotton Colorimeters, per set..... 80.00
5.3	Stelometer strength and elongation of ginned cotton lint by the flat bundle method for 1/2-inch gauge. Reporting the strength and elongation of each sub-sample and the average of the group of replicate sub-sample as based on 2 specimens from each of 3 or more unblended samples, per sub-sample..... 3.00 Minimum fee..... 9.00	15.0	Processing and testing of additional yarn. Any carded or combed yarn number processed in connection with spinning tests as specified in item numbers 9, 11, 12, and 13 including either additional yarn numbers or additional twist multipliers employed on the same yarn numbers, per additional lot of yarn..... 15.00	20.1	Furnishing replacement calibration tiles for above sets, each tile 8.00
				20.2	Furnishing a Colorimeter calibration sample box containing 6 cotton samples with color values Rd and +b plotted on a color diagram based on the Nickerson-Hunter Cotton Colorimeter, per box..... 15.00
				20.3	Furnishing new Colorimeter readings on samples in calibration boxes returned for check readings, per 6-sample box 3.00
				21.0	Furnishing copies of test data worksheets. Includes individual observations and calculation which are not routinely furnished to the applicant, per sheet..... 1.50
				22.0	Foreign matter content of cotton samples. Reporting data on the non-lint content as based on the Shirley-Analyzer separation of lint and foreign matter. a. For samples of ginned lint or comber noils, per 100-gram specimen..... 3.50 Minimum fee..... 7.50 b. For samples of ginning and processing wastes other than comber noils, per 100-gram specimen..... 8.00 Minimum fee..... 16.00
				23.0	Furnishing identified cotton samples. Includes samples of ginned lint, stock at any stage of processing or testing, waste of any type, yarn or fabric selected and identified in connection with fiber and/or spinning tests, per identified sample..... 1.75
				24.0	Furnishing additional copies of test reports. Includes extra copies in addition to the 2 copies routinely furnished in connection with each test item, per additional sheet..... .75
				24.1	Furnishing a certified relisting of test results. Includes samples or sub-samples selected from any previous tests, per sheet..... 4.00

Item No.	Kind of Test	
25.0	Classification of ginned cotton lint in connection with fiber tests. Classification includes grade, staple and mike reading which requires a 6-ounce sample, per sample.....	90
26.0	Bleaching and testing of cotton yarn. Reporting data on the color of the yarn in terms of Rd reflectance values and +b degree of yellowness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 9, 11, 12, and 13 or furnished by the applicant and bleached in accordance with standard laboratory procedures, per lot of yarn.....	10.00
	Minimum fee.....	100.00
27.0	Bleaching, dyeing, and testing of cotton yarn. Reporting data on the color of the dyed yarn in terms of Rd reflectance values and minus b degree of blueness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 9, 11, 12, and 13 or furnished by the applicant and bleached then dyed in accordance with standard laboratory procedures, per lot of yarn.....	15.00
	Minimum fee.....	150.00
28.0	Dyeing and testing of grey cotton yarn. Reporting data on the color of the dyed yarn in terms of Rd reflectance values and minus b degree of blueness values as based on the measurement of two 120-yard skeins either processed in connection with spinning test item numbers 9, 11, 12, and 13 or furnished by the applicant and dyed in accordance with standard laboratory procedures, per lot of yarn.....	10.00
	Minimum fee.....	100.00
29.0	Color of cotton yarn. Reporting data on the color of grey, bleached, dyed, or bleached and dyed yarn either processed in connection with spinning test items 9, 11, 12, and 13 or furnished by the applicant as based on the measurement of two 120-yard skeins, per lot of yarn.....	2.00
	Minimum fee.....	6.00
30.0	High Volume Instrument (HVI) Measurements:	
	(a) Length and length uniformity.....	.50
	(b) Strength.....	.75
	(c) Color.....	.50
	(d) Color and Trash.....	.50
	(e) Micronaire.....	.15
	(f) Any combination of the above.....	1.00
31.0	High Volume Instrument Calibration cotton 5 lbs.....	50.00

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c)

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING, AND CERTIFICATION)

6. Sections 61.44, 61.45 and 61.46 are revised as follows:

§ 61.44 Fee for chemist's license.

For the examination of an applicant for a license as a chemist to analyze and certificate the grade of cottonseed the fee shall be \$240, but no additional charge shall be made for the issuance of a license. For each renewal of a chemist's license the fee shall be \$80.

§ 61.45 Fee for certificates to be paid by licensee to Service.

To cover in part the cost of administering the regulations in this part each licensed cottonseed chemist shall pay to the Service 90 cents for each certificate of the grade of cottonseed

issued by him. Upon receipt of a statement from the Service each month showing the number of certificates issued by the licensee, such licensee will forward the appropriate remittance in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA."

§ 61.46 Fees for review of grading of cottonseed.

For the review of the grading of any lot of cottonseed, the fee shall be \$30.00. Remittance to cover such fee, in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA," shall accompany each application for review. Of each such fee collected, \$10 shall be covered into the Treasury and \$10 disbursed to each of the two licensed chemists designated to make reanalysis of such seed.

(Sections 203 and 205, 60 Stat. 1087 and 1090, as amended; 7 U.S.C. 1622 and 1624.)

Dated: July 5, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-21429 Filed 7-10-79; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

14 CFR Part 211

[ER-1132, Amdt. 7]

Applications for Permits to Foreign Air Carriers; Filing and Service

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

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB on its own initiative eliminates the requirement that foreign air carrier applications be filed only after receipt from the U.S. Department of State. Foreign air carrier applicants may now file their applications directly with the Board. The CAB also eliminates repetition of the requirement that environmental evaluations be filed concomitantly with the 402 application which now appears in two parts of section 211.5.

DATES: Adopted: July 3, 1979. Effective: July 3, 1979.

FOR FURTHER INFORMATION CONTACT: Glenn M. Datnoff, Civil Aeronautics Board, Bureau of International Aviation, Legal Division, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5035.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to speed and

simplify the regulatory process, the Board is amending 14 CFR 211.2 to eliminate the requirement that foreign air carrier applications be accepted by the Board only if forwarded through diplomatic channels. Currently the Board is precluded from officially receiving applications direct from the carrier applicants. The Board believes that the sometimes circuitous routing through diplomatic channels may result in processing delays that can be remedied by permitting direct filings by applicants. In PR-208, also issued today, the Board is amending 14 CFR Part 302 to require a foreign air carrier to notify the Department of State whenever it files a foreign air carrier permit application. This will maintain any notice or evidentiary benefits derived from the diplomatic routing.

Presently, applicants submit applications to their national governments for transmittal to U.S. embassies abroad, or to their embassies in Washington. All applications must eventually pass through the U.S. Department of State before finally arriving at the Board.¹ Government-to-government formal communications are generally safe, but can sometimes be exceedingly slow. The speed of movement, which can take from one week to six months, (typically, it takes between two and four weeks) can be affected by the urgency of the request, interest of the government of the applicant's country of citizenship, priority of other business, or familiarity with diplomatic routing. Delay in transmittal through channels is likely to increase now that we require applications to be accompanied by all information which is necessary for us to rule on it. Instead of a *pro forma* piece of paper, a much more substantial package must make its way through channels. Sometimes applications are lost in transit, causing additional delay. Obviously, these ministerial steps result in increased administrative expense that is eventually borne by the public; but more importantly, they hamper the Board's ability to speedily provide market entry to new foreign competitors. To the extent that the relatively laborious permit process hinders the prompt consideration of permit applications by the Board, it reflects poorly on the United States.

This is not to say that the government-to-government routing serves no purpose. Receipt of the application and designation (where applicable) from the

¹ Canadian applicants requesting authority to operate charter services with small aircraft submit their applications to the Air Transport Committee of Canada which transmits them to the Board.

foreign government demonstrates its support of the application—a Board requirement in awarding 402 permits. It is a further manifestation of the general international principle that governments, not carriers, bear the sole responsibility for negotiating bilateral aviation rights. Finally, it acts as notice to the Department of State of pending actions in which it may desire to participate. Importantly, our action here does not affect the designation process, nor does it preclude the Department of State from requiring that applications be transmitted to it through diplomatic channels, for its own purposes. Our action simply gives the carrier the option of also filing directly with the Board, so that we can begin to process the application sooner. For the Board's purposes, we believe that the primary benefits derived from diplomatic routing will be retained after elimination of that requirement. Indeed, the Board has always required an applicant to demonstrate possession of operation authority from its country of citizenship and evidence of designation (where appropriate) prior to issuance of a foreign air carrier permit. Recent amendments to Part 211 now formalize that evidentiary requirement. We believe this is normally sufficient to show support from the applicant's government of citizenship. For those few cases where there may be some doubt, the Board's staff can verify the facts with the Department of State. We shall also require notification to the Department of State when applications are filed with the Board. Therefore, direct filing by applicants does not leave the Department of State without notice. In short, we believe the benefits in terms of quicker Board action clearly outweigh any advantage gained from refusing to accept an application unless it has gone through diplomatic channels. We note in this regard that diplomatic routing is not universally practiced by all nations. Accordingly, the requirement of diplomatic routing of 402 applications is deleted from Part 211.

As regards the environmental provisions, the two requests for identical environmental information currently found in section 211.5(e) and paragraph (10)(i) of the Appendix result from a recent amendment to Part 211 that should also have eliminated the repetitive requests. This amendment corrects that oversight.

Since these amendments impose no substantive obligation, are merely procedural in nature and relieve restrictions, we find that notice and public comment are unnecessary and that an immediate effective date is in

the public interest. The Department of State has been consulted and has no objections to these amendments.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 211, *Applications for Permits to Foreign Air Carriers*, as follows:

1. Section 211.2 is amended to read:

§ 211.2 Filing and service.

Applications for foreign air carrier permits shall be considered to have been filed on the date such applications are actually received by the Board. Each applicant shall serve such persons as required in Part 302, Subpart Q of this chapter.

2. In the Appendix, paragraph 5 is amended to read: *Appendix*

* * * * *

5. Supply certified copies of all licenses issued to the applicant by its Government, together with a certified copy of the official diplomatic note designating the carrier under the applicable air transport services agreement. If the foreign air transportation is not covered by an air transport services agreement, supply certified evidence of the applicant's operating authority from its Government.

* * * * *

§ 211.5 [Amended]

3. In § 211.5, paragraph (e) is revoked and reserved.

(Sec. 204, 402, 1001 of the Federal Aviation Act, as amended, 72 Stat. 743, 757, 788, 92 Stat. 1723, 49 U.S.C. 1324, 1372, 1481)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-21271 Filed 7-10-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 302

[Regulation PR-208; Amendment No. 58]

Rules of Practice in Board Proceedings; Service of Documents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 3, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1132, issued simultaneously, the CAB is permitting foreign air carrier applicants to file their applications directly with the Board without having to go through the Department of State. In this rule, the CAB requires these applicants to notify the State Department and other persons that a permit application has been filed

and to provide those persons with actual documents upon request. This will maintain any benefits that were obtained by routing the application through the State Department.

DATES: Adopted: July 3, 1979. Effective: July 3, 1979.

FOR FURTHER INFORMATION CONTACT:

Glenn M. Datnoff, Civil Aeronautics Board, Bureau of International Aviation, Legal Division, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5035.

SUPPLEMENTARY INFORMATION: Since this amendment imposes no substantive obligations and is merely procedural in nature, we find that notice and public comment are unnecessary and an immediate effective date is in the public interest. Accordingly, the Civil Aeronautics Board amends § 302.1705 of 14 CFR Part 302, *Rules of Practice in Board Proceedings*, to read:

§ 302.1705 Service of documents.

(a) * * *

(2) In foreign air carrier permit proceedings described in § 302.1701(c) applicants shall serve on the persons listed in paragraph (b) of this section and the U.S. Department of State a notice that such an application has been filed and, upon request, shall promptly provide those persons with copies of the actual documents. All later documents shall be served on any person that has filed a pleading in the docket.

(Sec. 204, 402, 1001, of the Federal Aviation Act, as amended, 72 Stat. 743, 757, 788, 92 Stat. 1723, 49 USC 1324, 1372, 1481, Administrative Procedure Act, 5 USC 551 et seq.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-21270 Filed 7-10-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 294

Interim Procedures for Shortages of Electric Energy and Capacity; Interim Rule

AGENCY: Federal Energy Regulatory Commission.

ACTION: Correction of Notice of Interim Rule.

SUMMARY: This notice corrects an omission in the Notice of Interim Rule

issued by the Commission on June 15, 1979 (44 FR 37500).

EFFECTIVE DATE: June 15, 1979.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, Washington, D.C. 20426, 202-275-4166.

The Notice of Interim Rule published in the Federal Register on June 27, 1979, at 44 FR 37500 is corrected as follows:

At 44 FR 37501, under "Summary of Regulation," paragraph 3, the first sentence is corrected to read: "Paragraph (c) requires any public utility which anticipates a shortage of electric energy or capacity immediately to report such anticipated shortages to the Commission, to appropriate State regulatory authorities, and to its firm power wholesale customers."

Kenneth F. Plumb,
Secretary.

July 6, 1979.

[FR Doc. 79-21427 Filed 7-10-79; 9:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 7631]

Dividends received deduction of thrift institutions and consolidated returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the dividends received deduction of a thrift institution and the consolidated dividends received deduction if any member of an affiliated group that files a consolidated return is a thrift institution. These regulations amend existing provisions. Generally, the changes will prevent tax avoidance by a thrift institution that is a member of a controlled group of corporations and will liberalize the consolidated dividends received deduction available to certain affiliated groups that file consolidated returns.

DATES: The regulations under section 596 and 1502 are effective for taxable years ending on or after August 30, 1975.

FOR FURTHER INFORMATION CONTACT: Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20024, Attention: CC:LR:T (202-566-3474, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1978, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 596 and 1502 of the Internal Revenue Code of 1954 (43 FR 38729). No public hearing was requested and none was held. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Section 596 of the Code provides that a thrift institution that computes additions to the reserve for bad debts under section 593(b)(2) must reduce its otherwise allowable dividends received deduction (sections 243, 244, and 245) by the applicable percentage determined under section 593(b)(2) (A) and (B). To prevent taxpayers from avoiding section 596 by transferring dividend-paying stock to a related corporation, proposed § 1.596-1(c) provides that if a thrift institution that is a member of a controlled group of corporations transfers stock to another member of the group, without a bona fide business purpose, dividends with respect to the stock may be allocated to the thrift institution. The Treasury decision also provides for a correlative adjustment to the other member of the group involved in the allocation.

Section 1.1502-26(a) of the existing regulations provides that if any member of an affiliated group that files a consolidated return computes its additions to the reserve for bad debts under section 593(b)(2), the dividends received deduction with respect to dividends received by any member of the group (except the common parent if it does not use section 593(b)(2)) is subject to section 596. To provide relief for affiliated groups that include a member that is a thrift institution, § 1.1502-26(a) is amended to apply section 596 with respect to dividends received by only certain members of the affiliated group. These members include thrift institutions that use section 593(b)(2) and other members in which the thrift institution, directly or indirectly, holds 5 percent or more of the stock.

Drafting Information

The principal author of these regulations is Lawrence M. Axelrod of the Legislation and Regulations Division, 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.

Adoption of amendments to the regulations

Accordingly, the amendments published with notice of proposed rulemaking in the Federal Register for August 30, 1978 (43 FR 38729) are adopted, subject to the following change:

Section 1.596-1(c), as added by paragraph 1 of the notice of proposed rulemaking, is amended by adding two new sentences at the end to read as follows:

§ 1.596-1 *Limitation on dividends received deduction.*

* * * * *

(c) *Dividends received by members of a controlled group.* * * * If the Commissioner allocates a dividend to a thrift institution under this paragraph (c), the Commissioner will also make appropriate correlative adjustments to the income of any other member of the group involved in the allocation, at a time and in a manner consistent with the procedures of § 1.482-1(d)(2). This paragraph (c) applies to taxable years ending on or after August 30, 1975.

This Treasury decision is issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 637, 917; 26 U.S.C. 1502, 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: June 26, 1979.

Donald C. Lubick,

Assistant Secretary of the Treasury.

Paragraph 1. Section 1.596-1 is amended by adding a new paragraph (c) to read as follows:

§ 1.596-1 *Limitation on dividends received deduction.*

* * * * *

(c) *Dividends received by members of a controlled group.* If a thrift institution that computes a deduction under section 593(b)(2) is a member of a controlled group of corporations (within the meaning of section 1563 (a), determined by substituting "50 percent" for "80 percent" each place it appears therein) and if the thrift institution, without a bona fide business purpose, transfers stock, directly or indirectly, to another member of the group, the Commissioner may allocate any dividends with respect to the stock to the thrift institution. If the Commissioner allocates a dividend to a thrifty institution under this paragraph (c), the Commissioner will also make appropriate correlative adjustments to the income of any other member of the

group involved in the allocation, at a time and in a manner consistent with the procedures of § 1.482-1(d)(2). This paragraph (c) applies to taxable years ending on or after August 30, 1975.

Paragraph 2. Section 1.502-26 is amended by revising paragraph (a) to read as follows:

§ 1.502-26 Consolidated dividends received deduction.

(a) *In general.* (1) The consolidated dividends received deduction for the taxable year shall be the lesser of—

(i) The aggregate of the deduction of the members of the group allowable under sections 243(a)(1), 244(a) and 245 (computed without regard to the limitations provided in section 246 (b)), or

(ii) 85 percent of the consolidated taxable income computed without regard to the consolidated net operating loss deduction, consolidated section 247 deduction, the consolidated dividends received deduction, and any consolidated net capital loss carryback to the taxable year.

Subdivision (ii) of this subparagraph shall not apply for any consolidated return year for which there is a consolidated net operating loss. (See paragraph (f) of § 1.1502-21 for the definition of a consolidated net operating loss.)

(2) If any member computes a deduction under section 593(b)(2) for a taxable year beginning after July 11, 1969, and ending before August 30, 1975, the deduction otherwise computed under this section shall be reduced by an amount determined by multiplying the deduction (determined without regard to this sentence and without regard to dividends received by the common parent if such parent does not use the percentage of income method provided by section 593(b)(2)) by the applicable percentage of the member with the highest applicable percentage (determined under subparagraphs (A) and (B) of section 593(b)(2)).

(3) For taxable years ending on or after August 30, 1975, the deduction otherwise computed under this section shall be reduced by the sum of the amounts determined under paragraph (a)(4) of this section for each member that is a thrift institution that computes a deduction under section 593(b)(2).

(4) For each thrift institution, the amount determined under this subparagraph is the product of—

(i) The portion of the deduction determined with regard to the sum of the dividends received by (A) the thrift institution, and (B) any member in which that thrift institution owns, directly and

with the application of paragraph (a)(5) of this section, 5 percent or more of the stock on any day during the consolidated return year, and

(ii) The thrift institution's applicable percentage determined under subparagraphs (A) and (B) of section 593(b)(2).

For purposes of this subparagraph, dividends allocated to a thrift institution under § 1.596-1(c) shall be considered received by the thrift institution.

(5) For purposes of paragraph (a)(4)(i) of this section, a member owning stock of another member (the "second member") shall be considered as owning its proportionate share of any stock of a member owned by the second member. Stock considered as being owned by reason of the preceding sentence shall, for purposes of applying that sentence, be treated as actually owned. The proportionate share of stock in a member owned by another member is the proportion which the value of the stock so owned bears to the value of all the outstanding stock in the member. For purposes of this paragraph the term "stock" includes nonvoting stock which is limited and preferred as to dividends.

(6) For purposes of paragraph (a)(4)(i) of this section, if two or more thrift institutions that are both members of the group each owns 5 percent or more of the same member's stock, the member's stock will be considered to be owned only by the thrift institution with the highest applicable percentage.

[FR Doc. 79-21401 Filed 7-10-79; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 44

[T.D. 7630]

Filing of wagering tax returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the place for filing wagering tax returns. These regulations provide taxpayers with the guidance needed for filing tax returns.

DATE: The regulations are effective July 11, 1979.

FOR FURTHER INFORMATION CONTACT: Annie R. Alexander of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3671, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This Treasury decision prescribes places for filing wagering tax returns. This regulation adds new paragraphs (c) and (d) to § 44.6091-1 (relating to the place for filing wagering tax returns) to allow for the filing of both Forms 11-C and 730 by hand carrying them to the heads of area, zone or local offices constituting permanent posts of duty within internal revenue districts, as well as with district directors. This regulation will also clarify that wagering tax returns are to be filed with the appropriate Internal Revenue Service Center, if the instructions on the form so provide. Because this regulation is nonsubstantive and essentially procedural it is found unnecessary to issue this Treasury decision with notice and public procedure. For the same reasons, this regulation is not a significant regulation under paragraph 8 of the Treasury Directive appearing in the *Federal Register* for November 8, 1978 (43 FR 52120).

Drafting Information

The principal author of these regulations is Annie R. Alexander 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.

Amendments to the regulations

The following amendments to 26 CFR Part 44 are adopted:

Paragraph 1. Section 44.6091 is deleted.

Par. 2. Section 44.6091-1 is amended by adding new paragraphs (c) and (d). The added paragraphs read as follows:

§ 44.6091-1 Place for filing returns.

(c) *Returns filed with service centers.* Notwithstanding paragraphs (a) and (b) of this section, whenever instructions applicable to returns filed on Form 730 or Form 11-C provide that the returns be filed with a service center, the returns shall be so filed in accordance with the instructions.

(d) *Hand-carried returns.* Returns which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (a) of this section. See § 301.6091-1(c) of this chapter (Regulations on Procedure and Administration) for provisions relating to the definition of hand carried.

Because this regulation is nonsubstantive and essentially procedural, it is found unnecessary to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitations of subsection (d) of that section.

(Secs. 6091 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 752, 917; 26 U.S.C. 6091, 7805))

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: June 26, 1979.

Donald C. Lubick,
Assistant Secretary of the Treasury.

§ 44.6091 [Deleted]

Paragraph 1. Section 44.6091 is deleted.

Par. 2. Section 44.6091-1 is amended by adding new paragraphs (c) and (d). The added paragraphs read as follows:

§ 44.6091-1 Place for filing returns.

(a) *In general.* A return on Form 730 or Form 11-C shall be filed with the district director of internal revenue for the district in which is located the legal residence or principal place of business of the person making the return. If such person has no legal residence or principal place of business in any internal revenue district, the return shall be filed with the District Director at Baltimore, Maryland, except as provided in paragraph (b) of this section.

(b) *Returns of individuals outside the United States.* The returns on Form 730 and Form 11-C of individuals (whether citizens of the United States, citizens or possessions of the United States, or aliens) outside the United States having no legal residence or principal place of business in any internal revenue district shall be filed with the Director, International Operations Division, Internal Revenue Service, at Washington, D.C. 20225.

(c) *Returns filed with service centers.* Notwithstanding paragraphs (a) and (b) of this section, whenever instructions applicable to returns filed on Form 730 or Form 11-C provide that the returns be filed with a service center, the returns shall be so filed in accordance with the instructions.

(d) *Hand-carried returns.* Returns which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervisions of an area, zone or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (a) of this section. See § 301.6091-1(c) of this

chapter (Regulations on Procedure and Administration) for provisions relating to the definition of hand carried.

[FR Doc. 79-21402 Filed 7-10-79; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Order No. 838-79]

Organization of the Department of Justice; Civil Division

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Section 8(g)(1)(B) of the Contract Disputes Act of 1978 authorizes the head of an agency, with the prior approval of the Attorney General, to refer a decision (presumably adverse to the agency) of a board of contract appeals to the Court of Claims for review. The purpose of this rule is to establish internal procedures to implement section 8(g)(1)(B).

EFFECTIVE DATE: June 29, 1979.

FOR FURTHER INFORMATION CONTACT: David M. Cohen, Director, Commercial Litigation Branch, Civil Division, Department of Justice, Washington, D.C. 20530 (202-724-7154).

By virtue of the authority vested in me by 28 U.S.C. 509 and 510, and 5 U.S.C. 301, § 0.45 of Subpart I of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by revising paragraph (b) and by adding a new paragraph (i) to read as follows:

§ 0.45 General functions.

* * * * *

(b) Court of Claims Cases—litigation by and against the United States in the Court of Claims, except cases assigned to the Land and Natural Resources Division and the Tax Division by Subparts M and N of this part, respectively.

* * * * *

(i) Appeals under section 8(b)(1)(B) of the Contract Disputes Act of 1978—the grant and/or legal denial of prior approval of the Attorney General as described in section 8(g)(1)(B) of the Contract Disputes Act of 1978. The Assistant Attorney General is authorized to redelegate, to the extent and subject to such limitations as may be deemed advisable, to subordinate division officials the responsibilities covered by this subsection and delineated in section 8(g)(1)(B) of the Contract Disputes Act of 1978.

Dated: June 29, 1979.

John M. Harmon,
Acting Attorney General.

[FR Doc. 79-21377 Filed 7-10-79; 8:45 am]

BILLING CODE 4410-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1613

Equal Employment Opportunity in the Federal Government

AGENCY: Equal Employment Opportunity Commission.

ACTION: Interim regulation; request for comments.

SUMMARY: This regulation establishes interim procedures under which the Equal Employment Opportunity Commission will conduct investigations of employment discrimination complaints filed against certain federal agencies under Title VII of the Civil Rights Act of 1964, as amended. The Commission will assume investigation authority, by executing memoranda of understanding with these agencies, as a pilot program to test methods of simplifying the Federal Title VII complaint process. The Commission requests comment from the public and federal agencies on this regulation and the pilot program.

EFFECTIVE DATE: July 11, 1979.

COMMENT DATES: Comments will be accepted until January 31, 1979.

ADDRESS: Written comments should be addressed to Marie Wilson, Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: John Rayburn, Director Technical Guidance Division, Office of Field Services, Equal Employment Opportunity Commission, Room 4250, 2401 E Street, N.W., Washington, D.C. 20506, (202) 634-6855.

SUPPLEMENTARY INFORMATION: Responsibility for enforcement of equal opportunity in federal employment was transferred from the Civil Service Commission to the Equal Employment Opportunity Commission on January 1, 1979, pursuant to Reorganization Plan No. 1 of 1978 and Executive Order 12106. An important element of the transferred authority was the authority under Section 717 (b) and (c) of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16 (b) and (c), to issue rules, regulations, orders and instructions

deemed necessary and appropriate to the enforcement of Section 717.

To assure continuity of operations following the transfer, the Equal Employment Opportunity Commission temporarily adopted certain of the regulations of the Civil Service Commission at 5 CFR Part 713, moving the regulations to 29 CFR Part 1613 of the Code of Federal Regulations. (43 FR 60900, December 29, 1978.) This was done by the Commission with the intention of exploring changes to these regulations that would streamline and professionalize the administrative machinery for processing these complaints.

This interim regulation provides, through the addition of a new subsection (c) to 29 CFR Sec. 1613.216, for the Commission to undertake the investigation of any part or all of an agency's discrimination complaints, on a reimbursable basis, through the execution of a memorandum of understanding with the agency. The authority to undertake other reimbursable investigations under 29 CFR Part 1613 is not affected by this interim regulation.

Initially, Commission investigations will be conducted under this interim regulation for six agencies. In accord with Executive Order 12106, the Commission has consulted with the affected agencies throughout the development of this interim regulation. After evaluating its efficacy, the Commission contemplates expanding the pilot investigative program to other federal agencies after October 1, 1979.

This interim regulation focuses only on the investigations phase of the federal discrimination complaint process. Under the current process, the Commission believes that investigations not infrequently result in records that are, or appear to complainants to be, incomplete. Agencies base their proposed dispositions of complaints on those records. A complainant dissatisfied with the proposed disposition because it is based on an incomplete investigation record is likely to exercise his or her right to a hearing under 29 CFR Sec. 1613.218. That hearing, in practice, is part of the investigative procedure in that it is used to complete the investigation record.

The Commission recognizes that a complete investigation, with an investigation record developed from full participation by the parties, is critical to the federal discrimination complaint process. The pilot program effected by this interim regulation will include the exploration of a number of techniques designed to provide adequate

investigations in the most expeditious manner.

Central to the investigations will be an investigative hearing that combines the best features of the investigative procedures used by the Commission in private sector Title VII cases, and the current hearing provided upon a federal complainant's request. This hearing will be conducted by an investigative hearing officer, who will take the responsibility for developing a full record. The Commission strongly believes that this procedure best fulfills its obligation to provide an impartial investigation, while at the same time protecting the interests of complainants, many of whom are unrepresented.

The Commission expects that the investigative hearing will prove more effective in protecting the rights of the parties and will eventually replace the current hearing provided for in 29 CFR § 1613.218. A compelling reason for considering the elimination of the hearing by a complaints examiner is the delay (averaging about 160 days) in agency complaint processing that occurs when a hearing is requested. The Commission chose to avoid extensive amendments to the regulations, however, until the pilot program has yielded empirical information. Therefore, during the pilot program, complaints may go through a two-hearing process. The Commission expects that any second hearings following a Commission investigation will be substantively condensed, because complaints examiners, who under 29 CFR § 1613.218 avoid repetition and unnecessary duplication of evidence, will be operating from a fully-developed investigation record.

Upon completion of the investigation of a complaint, the Commission will make an investigation report to the agency. The Commission will include in its investigation report a recommended disposition of the complaint. This recommended disposition will automatically become the agency's proposed disposition of the complaint, unless within 30 days after receiving the report the complaint has been formally adjusted or the agency has notified the complainant in writing of its own proposed disposition.

Implementation of this pilot program is by memorandum of understanding because only selected federal agencies are affected. The Commission is designating the period of the pilot program as the informal consultation period under Executive Order 12067. During this period the Office of Interagency Coordination of EEOC will be consulting directly with the six pilot

agencies. In addition federal agencies not designated as participants are urged to observe all aspects of the pilot programs especially the investigative hearing and to accordingly submit comments during the informal consultation period. This will ensure that federal agencies have an opportunity to participate from the earliest stages in actual development of regulations governing the federal complaints process as envisioned by 12067.

Based on its experience under this interim regulation the Commission intends to issue, in early 1980, proposed regulations which will supersede the interim regulation and which will interested in receiving comments from individuals and agencies participating in or observing the pilot program. The first investigation reports on complaints investigated entirely by the Commission are expected to be sent to the agencies in early November, 1979. Since comments will be accepted until January 31, 1979, there will be ample time to receive comments from those with direct experience under the new procedures.

Signed this 6th day of July, 1979.

For the Commission.

Eleanor Holmes Norton,
Chair.

29 CFR 1613.216 is amended by adding the following paragraph (c):

§ 1613.216 Investigation

* * * * *

(c) The Commission may assume responsibility for the investigation of any portion or all of an agency's complaints upon the execution of a memorandum of understanding to this effect with the agency. The agency shall reimburse the Commission for all expenses incurred in connection with the investigation. The Commission shall forward to the agency upon completion of the investigation the investigative file and the recommended disposition. The agency shall adopt as its proposed disposition of the complaint the Commission's recommended disposition unless within 30 days after the agency receives the investigative file and recommended disposition the complaint has been informally adjusted in accordance with § 1613.217(a), or the agency has notified recommended disposition unless within 30 days after the agency receives the investigative file and recommended disposition the complaint has been informally adjusted in accordance with § 1613.217(a), or the agency has notified the complainant of its own proposed disposition in accordance with § 1613.217(b).

Authority: 42 U.S.C. § 2000e-16(b), President's Reorganization Plan No. 1 of 1978, Executive Order 12106.

[FR Doc. 79-21396 Filed 7-10-79; 8:45 am]
BILLING CODE 6570-05-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 51b

Project Grants for Preventive Health Services

AGENCY: Center for Disease Control (CDC), PHS, HEW.

ACTION: Final rule.

SUMMARY: This final rule is applicable to grants awarded to State and local government agencies to assist them in meeting the costs of preventive health service programs. These include childhood immunization, urban rat control, venereal disease control, and influenza immunization programs authorized by Sections 317 and 318 of the Public Health Service Act. Certain nonprofit entities are also eligible for project grants for urban rat control.

DATES: Effective July 11, 1979.

FOR FURTHER INFORMATION CONTACT: Windell R. Bradford, Associate Director, Bureau of State Services, Center for Disease Control, Atlanta, Georgia 30333, Telephone (404) 329-3773 or FTS: 236-3773.

SUPPLEMENTARY INFORMATION: This final rule implements the revisions proposed in a Notice of Proposed Rulemaking (NPRM) published in the *Federal Register* June 23, 1978 (43 FR 27210). It also incorporates amendments made by Pub. L. 95-626 enacted November 10, 1978. In addition, the subparts published as an Interim Final Regulation on November 14, 1978 (43 FR 52707), are included in this final rule with conforming amendments.

Changes made by several public laws were included in the NPRM and are reflected in this final rule. Pub. L. 92-449, approved September 30, 1972, transferred venereal disease control from Section 317 of the PHS Act to a separate authority under Section 318. Pub. L. 94-63, approved July 29, 1975, transferred authority for urban rat control grants to Section 317 and repealed Section 314(e) under which these grants were previously authorized. Pub. L. 94-317, approved June 23, 1976, made minor revisions in Sections 317 and 318, but extended the appropriation authorities for an additional three years through fiscal year 1978.

Pub. L. 95-626, passed since publication of the NPRM, changed the title of Section 317 from "Disease Control Programs" to "Project Grants for Preventive Health Services." This change has been incorporated in the title and text of Part 51b as appropriate. To implement another more significant amendment made by Pub. L. 95-626, CDC will develop an additional subpart to this final rule. The amendment to Section 318 requires that at least 5 percent of funds appropriated under Section 318 for venereal disease control programs be expended for Section 318(b) projects for the conduct of research, demonstrations, and public information and education. A regulation for this new legislative authority will be developed and published as an NPRM with an appropriate comment period.

The Interim Final Regulation contained Subpart A—General Provisions, modified to provide for the influenza immunization program, and Subpart E—Grants for Influenza Immunization Programs. These subparts were published as an interim final regulation to establish an appropriate regulatory base for influenza immunization grants. The subparts are republished in this final rule. Therefore, the final rule for Part 51b published herewith contains Subpart A—General Provisions, Subpart B—Grants for Childhood Immunization Programs, Subpart C—Grants for Urban Rat Control, Subpart D—Grants for Venereal Disease Control Programs, and Subpart E—Grants for Influenza Immunization Programs. The new regulation to implement Section 318(b) will be published later as Subpart F.

COMMENTS: Comments and questions were received from only three sources in response to the NPRM, and none were received in regard to the Interim Final Regulation. The following questions on Subpart C—Grants for Urban Rat Control were received. While only one question resulted in a change in the regulation, discussion is included on each because of possible general interest.

The first question concerned the number of premises which must be inspected to fulfill baseline survey requirements under § 51b.303. In answer, the sample survey must be a statistically valid survey based on the number of premises and blocks in the proposed target area. The methodology for conducting a baseline survey is outlined in CDC publication, "Urban Rat Surveys," published in March 1974 and available from the HEW Regional Offices.

The second question referred to § 51b.304(a)(2) which requires a financial commitment from local governments for increased support as Federal funds are reduced or terminated. The question was whether this would mean that a local government must eventually guarantee the full amount of the Federal grant. In answer, Federal grant funds are available to conduct intensive activities to eliminate environmental deficiencies which permit rats to proliferate. Resources necessary to sustain these improvements will be considerably less than the original Federal grant funds required to achieve a rat free status. The local government is expected to sustain these improvements with local resources.

The third question was whether a State health department, which must be consulted prior to a grant approval, would have sufficient information either to challenge or verify a grant application submitted by a political subdivision or other public entity within the State. Section 317(a)(2) requires such consultation to assist State health departments in planning and carrying out Statewide public health responsibilities.

The fourth question related to whether grant funds could be utilized to pay salaries of additional persons needed to implement a rat control program. Grant funds may be used to support positions necessary to conduct effective rat control activities including premises surveys, supplemental rat extermination, community education and motivation, code enforcement, and neighborhood cleanup campaigns.

The final question pointed out that "premises" was not defined in the regulations. A definition of "premises" has been included in § 51b.302 of the final rule.

The following suggestions were received on the urban rat control regulation. One suggestion was that funds be available for surveys, health education, and limited rodent control activities in "borderline" housing areas which would deal with housing beginning to deteriorate by investing relatively small amounts to cover fairly large geographic areas thereby preventing rodent problems from becoming unmanageable. In answer, due to the limited amount of Federal funds available for rat control, the focus of activities supported by Federal grant funds is restricted to areas of the community with the most severe rat problems. Applicants for urban rat control funds are required to develop a master plan (§ 51b.304(a)) which provides for the preventive activities

proposed. This plan should describe activities provided by the local government to prevent and resolve rat problems outside the proposed target area, or "borderline" housing areas.

The suggestion was made that limited funds and staff support could be of substantial value in commercial districts, shopping centers and downtown office areas. These grant funds are not intended for rat control activities on commercial property, since State and local governments should have regulations as part of the overall sanitation code that require commercial property owners to maintain their establishments in a rat free status.

With respect to venereal diseases, a suggestion was made that there be no prohibition on automatic data processing under § 51b.407, but that this service be a part of ongoing venereal disease control programs. This section was left unchanged since data processing is one of the fundamental capabilities which any grantee health department should have. However, the final rule permits support in special situations.

Several changes have been made in Subpart A—General Provisions, of the final rule for clarity and accuracy, and to conform with 45 CFR Part 74—Administration of Grants, as revised on August 2, 1978. Section 51b.110 has been combined with § 51b.105 to show applicability of other HEW regulations. Sections 51b.103—Grantee accountability, 51b.106—Publications and copyright, and 51b.107—Records and reports, have been deleted since these subjects are adequately covered by Part 74. Also, general application requirements have been deleted from each subpart and combined in § 51b.103 in Subpart A.

To bring this regulation into compliance with the law, the Secretary has determined that any delay in the effective date is unnecessary and contrary to the public interest. Therefore, good cause exists to make the revised regulation effective upon publication.

Part 51b of Title 42, Code of Federal Regulations, is revised as set forth below:

Dated: May 11, 1979.

Charles Miller,

Acting Assistant Secretary for Health.

Approved: June 30, 1979.

Hale Champion,

Acting Secretary

PART 51b—PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES

Subpart A—General Provisions

Sec.

- 51b.101 To which programs do these regulations apply?
- 51b.102 Definitions.
- 51b.103 What are the general application requirements?
- 51b.104 How will grant payments be made under a grant award?
- 51b.105 Which other HEW regulations apply to these grants?
- 51b.106 What other conditions apply to these grants?
- 51b.107 Is participation in grant programs voluntary?

Subpart B—Grants for Childhood Immunization Programs

- 51b.201 To which programs does this subpart apply?
- 51b.202 Definitions.
- 51b.203 Who is eligible for a grant under this subpart?
- 51b.204 What information is required in the application?
- 51b.205 How will grant applications be evaluated and the grants awarded?
- 51b.206 How can grant funds be used?

Subpart C—Grants for Urban Rat Control Programs

- 51b.301 To which programs does this subpart apply?
- 51b.302 Definitions.
- 51b.303 Who is eligible for a grant under this subpart?
- 51b.304 What information is required in the application?
- 51b.305 How will grant applications be evaluated and the grants awarded?
- 51b.306 How can grant funds be used?

Subpart D—Grants for Venereal Disease Control Programs

- 51b.401 To which programs does this subpart apply?
- 51b.402 Definitions.
- 51b.403 Who is eligible for a grant under this subpart?
- 51b.404 What are the confidentiality requirements?
- 51b.405 What information is required in the application?
- 51b.406 How will grant applications be evaluated and the grants awarded?
- 51b.407 How can grant funds be used?

Subpart E—Grants for Influenza Immunization Programs

- 51b.501 To which programs does this subpart apply?
- 51b.502 Definitions.
- 51b.503 Who is eligible for a grant under this subpart?
- 51b.504 What information is required in the application?
- 51b.505 How will grant applications be evaluated and the grants awarded?

51b.506 How can grant funds be used?

Authority: Secs. 317 and 318, Public Health Service Act (42 U.S.C. 247b and 247c).

Subpart A—General Provisions

§ 51b.101 To which programs do these regulations apply?

The regulations of this part apply to grants authorized for childhood immunization, influenza immunization, and urban rat control programs under Section 317 of the Public Health Service Act (42 U.S.C. 247b) and to grants authorized for venereal disease prevention and control under Section 318 (42 U.S.C. 247c).

§ 51b.102 Definitions.

As used in these regulations:
 "Act" means the Public Health Service Act, as amended.
 "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department to whom the authority involved has been delegated.
 "State" means one of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

§ 51b.103 What are the general application requirements?

(a) Application forms and instructions for their preparation and submission may be obtained from the PHS Regional Health Administrator of the Department of Health, Education, and Welfare for the region in which a program is to be conducted. The application shall contain a full description of the program objectives, plans, and activities.

(b) The application shall be signed by an individual authorized by the applicant to assume the obligations imposed by these regulations and any additional conditions of the grant.

(c) The application shall contain evidence satisfactory to the Secretary that it has been submitted for appropriate action to the planning agency designated by the Secretary under Title XV of the Act.

§ 51b.104 How will grant payments be made under a grant award?

(a) The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award. These payments may be made either in advance or by way of reimbursement for expenses incurred or to be incurred in

the performance of the program. The payments shall be made as the Secretary determines necessary to promote prompt initiation and advancement of the approved program.

(b) The Secretary may reduce the payment under a grant by the amount of the fair market value of any supplies (including vaccines and other preventive agents) or equipment furnished a grant recipient, when it is furnished at the request of the recipient. The Secretary also may reduce the payment under a grant by the amount of the pay, allowances, travel expenses, and any other costs in connection with the detail of any officer or employee of the Government to the recipient, when the detail is at the request of the recipient. The amount the grant is reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment, or in detailing the official, and shall, for the purpose of these regulations, be deemed to have been paid to the recipient.

§ 51b.105 Which other HEW regulations apply to these grants?

Several other HEW regulations apply to grants under this part. These include:

- 45 CFR Part 74—Administration of Grants
- 45 CFR Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964
- 45 CFR Part 84—Nondiscrimination on the Basis of Handicap in Federally Assisted Programs and Activities Receiving or Benefitting from Federal Financial Assistance

§ 51b.106 What other conditions apply to these grants?

The Secretary may impose additional conditions, including conditions governing the use of information or consent forms, when they are necessary to advance the approved program, the interest of the public health, or the conservation of grant funds.

§ 51b.107 Is participation in grant programs voluntary?

Nothing in these regulations shall be construed to require any State or any political subdivision of a State to have a preventive health service program which would require any person who objects to treatment to be treated under the program.

Subpart B—Grants for Childhood Immunization Programs

§ 51b.201 To which programs does this subpart apply?

The regulations in this subpart apply to the award of grants under Section 317

of the Act for programs to immunize children against vaccine preventable diseases.

§ 51b.202 Definitions.

As used in this subpart: "Childhood immunization program" means a preventive health service program to immunize children against vaccine preventable diseases including poliomyelitis, measles, mumps, rubella, diphtheria, pertussis, and tetanus.

§ 51b.203 Who is eligible for a grant under this subpart?

An applicant must be a State agency or an agency of a political subdivision of a State which has legal responsibility for disease control under the laws of a State.

§ 51b.204 What information is required in the application?

The application for a grant must include a description of the following:

- (a) The nature and extent of the disease problem in the area.
- (b) The need for grant support.
- (c) The specific objectives and priorities of the program.
- (d) Current immunization programs and the additional or intensified activities to be carried out to meet the objectives and priorities. The following program elements must be included and described:

- (1) Surveillance of the vaccine preventable diseases included in the definition of childhood immunization program.
- (2) Systematic identification of unimmunized or inadequately immunized population groups.
- (3) Systematic identification and delivery of services to inadequately immunized population groups as they are identified, assuring that no one will be denied services because of inability to pay and that the services are provided in a manner which preserves human dignity and maximizes acceptance.
- (4) Techniques and procedures for controlling outbreaks of disease.
- (5) Professional and public awareness activities, with emphasis on underimmunized populations.
- (6) Use of public and nonprofit private entities and volunteers.
- (7) Continuation of activities to maintain high immunization levels.
- (8) Coordination of activities with other related Federally assisted programs.

(e) The manner in which the applicant intends to conduct and evaluate the project including the working relationship of the applicant with

private health care providers, other public health care agencies, and voluntary organizations in the area to be served.

(f) Studies, if any, to identify and develop new methods of controlling diseases listed in § 51b.202.

(g) A budget and justification for the grant funds requested.

(h) Other information which supports the requests for funds.

§ 51b.205 How will grant applications be evaluated and the grants awarded?

(a) Within the limits of funds available, the Secretary may award a grant to assist in meeting part of the cost of a childhood immunization program. Grants will be awarded to those applicants whose projects he determines will best promote the purposes of Section 317 of the Act. Before awarding a grant to a local public entity of a State, the Secretary will consult with the State health authority.

(b) Priorities for funding will be based on the following factors:

- (1) The relative extent of the problems which are caused by one or more of the vaccine preventable diseases in the area served by the applicant.
- (2) The extent to which the proposed program is designed to eliminate or reduce the problems.
- (3) The extent to which the proposed program will increase the immunization rates in population groups identified as having the lowest immunity levels.
- (4) The extent to which the grantee will cooperate with and use public and nonprofit private entities and volunteers.

(5) The extent to which a strong commitment to the objectives of the program is reflected in the commitment of grantee resources to the program.

(c) The approval of a grant application or the award of funds shall not obligate the United States to make additional, supplemental, continuation, or other award to any approved program. The grantee must apply separately for continuing support.

§ 51b.206 How can grant funds be used?

Grant funds awarded under this subpart may be used to purchase supplies, materials, and equipment for childhood immunization programs. Grant funds also may be used to pay for salaries or wages and related expenses for personnel directly involved in the planning, organization, promotion, epidemiology, surveillance, and other program activities.

Subpart C—Grants for Urban Rat Control Programs

§ 51b.301 To which programs does this subpart apply?

The regulations in this subpart apply to the award of grants under Section 317 of the Act for the support of urban rat control programs.

§ 51b.302 Definitions.

As used in this subpart:

"Attack phase" means that phase of the program when intensive comprehensive rat control activities are conducted within the target area to reduce rat infestations and causative conditions to a maintenance level.

"Baseline survey" means a random sample of premises to determine the premises prevalence rates of active rat signs and causative conditions in a proposed target area. The baseline survey is conducted to satisfy a preapplication survey requirement or for approval of a new target or subtarget area.

"Comprehensive inspection" means an inspection of all premises in a target or subtarget area to determine the prevalence rates of rat signs and causative conditions.

"Environmentally improved blocks" means contiguous groups of blocks (or an entire subtarget area) where maintenance has been achieved and sustained for a minimum of 12 months. Maintaining the status of these blocks is the responsibility of the local program, and they may no longer be included in the Federally supported target areas.

"Maintenance-level block" means a block where two percent or less of the premises have active rat signs and either:

(a) Fifteen percent or less of the premises have exposed garbage on the exterior; or

(b) Thirty percent or less of the premises have unapproved refuse storage on the exterior.

"Maintenance phase" is that phase of the program when maintenance-level on a block has been achieved. This phase requires reduced resources and activities to preserve this level.

"Preattack phase" means that phase of the program when information is provided to city officials and to the general public through mass media and inaugural demonstrations and planning are under way to initiate the attack phase.

"Premises" means the smallest single identifiable parcel of land, platted or unplatted, which may be vacant or contain buildings or accessory structures.

"Subtarget area" means an area of 100 to 200 contiguous blocks where a comprehensive rat control program is conducted.

"Target area" means a specifically defined area containing a minimum of 200 contiguous blocks where a comprehensive rat control program is conducted.

"Urban rat control program" means a program designed and conducted to reduce rat populations and conditions conducive to rat infestations within a target area.

"Verification survey" is a sample survey conducted periodically in a target area to determine if the area is appropriately classified in maintenance phase.

§ 51b.303 Who is eligible for a grant under this subpart?

An applicant must be a State agency, or a public agency or political subdivision within a State, except that private nonprofit agencies, institutions, or organizations which received grants under Section 314(e) of the Public Health Service Act for fiscal year 1975 continue to be eligible. To be eligible for a grant under this subpart, at least six percent of the premises in the target area must have active rat signs documented by a baseline survey.

§ 51b.304 What information is required in the application?

The application must include the following:

(a) A master plan that addresses the total rat problem within the community and emphasizes the following:

(1) Identifying and placing priority on target areas which have the highest rat infestation rates with emphasis on impoverished areas of the community; and

(2) Identifying a commitment for an increased level of financial support as Federal funds are reduced or terminated.

(b) A project plan that describes in detail the immediate and long-range objectives of the project. These objectives shall be stated in specific, measureable terms and relate to the specific activities that will be conducted in the proposed target area. The plan shall include:

(1) Survey results and other information used to identify rat infestations and factors contributing to them, such as sub-standard buildings, improper solid waste management, inadequately maintained sewage systems, and the lack of concern of the public toward the rat problem.

(2) Provision for the implementation of an attack phase to reduce rat infestations and causative conditions to the maintenance level within the blocks of a target area.

(3) A description of the time frame and type of activities in the preattack and attack phases required to achieve the maintenance level within the blocks of a target area. No areas may be in the preattack phase beyond the end of the second project year.

(4) A description of the activities and resources necessary and available to preserve the maintenance level within the blocks of a target area.

(5) A plan for the expeditious progression of blocks through the attack and maintenance phases to locally sustained environmentally improved status.

(6) At the option of the applicant, the establishment of a local advisory board(s). Each board may not consist of more than 10 individuals.

(c) An evaluation plan which must include, as a minimum:

(1) Measurement of progress in terms of the number of premises where rat infestations and causative conditions are reduced.

(2) Comprehensive inspections, at least twice yearly, during the attack and maintenance phases of the program, except when verification surveys are specifically approved as an alternative evaluation during the maintenance phase.

(3) Periodic assessment of the effectiveness of rat killing measures.

(4) Periodic assessment of program priorities.

(5) Measurement of progress in terms of:

(i) The percentage of maintenance-level blocks achieving environmentally improved status.

(ii) The percentage of the target area which has reached a maintenance level.

(iii) The degree to which knowledge, attitude, and behavior changes among target area residents result in improved premises sanitation.

(d) A description of the steps taken by the applicant to provide for the following major program elements:

(1) Development and enforcement of adequate ordinances and codes relating to housing, rat control, solid waste, and general environmental sanitation.

(2) Citizen participation.

(3) Community information, education, and motivation.

(4) Interagency coordination.

(5) Employment opportunities for target area residents.

(6) Improvement of residential and accessory structures through routine maintenance and rat proofing.

(7) Improved refuse storage and premises sanitation.

(8) Intensification of municipal services to provide adequate collection and disposal of garbage and other refuse.

(9) Rat killing activities.

(10) Self evaluation, in addition to the steps outlined in paragraph (c) of this section.

§ 51b.305 How will grant applications be evaluated and the grants awarded?

(a) Within the limits of funds available, the Secretary may award a grant to assist in meeting part of the cost of rat control programs. Grants will be awarded to those applicants whose programs the Secretary determines will best promote the purpose of Section 317 of the Act. Before awarding a grant to a public entity within a State, the Secretary will consult with the State health authority. Priorities for funding will be based on the following factors:

- (1) The magnitude of the rat problem and other causative conditions.
- (2) The degree to which the proposed program satisfactorily provides for the elements set forth in § 51b.304.
- (3) The population density of the target community to be served.
- (4) Premises and dwelling unit density per block to be served.
- (5) The project's potential for continued support of rat control services as Federal resources are reduced or terminated.

(b) The approval of a grant application or the award of funds shall not obligate the United States to make additional, supplemental, continuation, or other award to any approved project. The grantee must apply separately for continuing support.

§ 51b.306 How can grant funds be used?

Grant funds awarded under this subpart must be used in the performance of the programs approved under Section 317 of the Act, including—

- (a) Developmental activities.
- (b) Administrative staff.
- (c) Training to meet management needs of the program.
- (d) Reimbursement to members of advisory boards for actual expenses incurred while performing their duties as board members to the extent that meetings of the board are held no more often than quarterly.

Subpart D—Grants for Venereal Disease Control Programs

§ 51b.401 To which programs does this subpart apply?

The regulations in this subpart apply to the award of project grants under Section 318(c) of the Act for venereal disease control programs.

§ 51b.402 Definitions.

As used in this subpart:
 "Venereal disease" means gonorrhea, syphilis, or any other disease which can be sexually transmitted and which the Secretary determines is or may be amenable to control with assistance provided under this authority and which is of national significance.

"Venereal disease control program" means a program designed primarily to carry out activities or to provide services to systematically detect and prevent venereal diseases as compared to those activities or services which are designed primarily for the purpose of diagnosing or treating venereal disease patients or suspects.

§ 51b.403 Who is eligible for a grant under this subpart?

An applicant must be a State agency or an agency of a political subdivision of a State which has legal responsibility for disease control under the laws of a State.

§ 51b.404 What are the confidentiality requirements?

All information obtained by program personnel related to the examination, care, and treatment of a participant in this program shall be held confidential. It shall not be divulged without the individual's consent except as may be required by the law of a State or political subdivision of a State or as may be necessary to provide services to the individual. Information may be disclosed in summary, statistical, or other form, or for clinical or research purposes, but only if the disclosure does not identify particular individuals.

§ 51b.405 What information is required in the application?

- (a) The application must include a description of the following:
 - (1) The nature and extent of the venereal disease problem in the area.
 - (2) The need for grant support.
 - (3) The immediate and long-range objectives of the project in specific and measurable terms.
 - (4) The activities to be carried out to meet the objectives.

The following program elements must be included and described:

- (i) Venereal disease surveillance.

(ii) Casefinding and case followup.
 (iii) Interstate epidemiologic referral and followup.

(iv) Professional and public venereal disease education.

(5) At the option of the applicant, special studies or demonstrations to evaluate or test venereal disease prevention and control strategies and activities.

(6) The manner in which the applicant intends to conduct and evaluate the project, including a system for analysis of morbidity data so that control activities can be efficiently evaluated and targeted.

(7) The present venereal disease control program and the environment in which the proposed program will function, including:

(i) The working relationship of the applicant to private health providers, public health care agencies, and voluntary organizations in the area to be served.

(ii) Actions which will be taken to develop, promote, and enforce appropriate laws and regulations facilitating venereal disease control.

(iii) A description of the diagnostic and treatment services that will be provided.

(8) A budget and justification for the grant funds requested.

(9) Assurances that no one will be denied services because of inability to pay, and that the services are provided in a manner which preserves human dignity and maximizes acceptance.

(10) Other information which supports the request for funds.

(b) When efforts are made to collect payment for services supported in whole or in part from a third party, a rate schedule for third party charges must be submitted with the application and approved as part of the program plan. Under no circumstances may a billing arrangement be made which jeopardizes the confidentiality of patient records.

§ 51b.406 How will grant applications be evaluated and the grants awarded?

(a) Within the limits of funds available, the Secretary may award a grant to assist in meeting the cost of a venereal disease control program. Grants will be awarded to those applicants whose programs the Secretary determines will best promote the purposes of Section 318 of the Act. Before awarding a grant to a political subdivision of a State the Secretary will consult with the State health authority. Priorities for funding will be based on the following factors:

(1) The relative extent of the venereal disease problem in the area served by the applicant.

(2) The design of the venereal disease prevention and control program.

(3) The general quality of the applicant's plan of operation and objectives in accordance with the requirements in this regulation and the extent to which the project renders services to groups having the highest incidence of venereal disease.

(4) The capacity of the applicant to make effective use of Federal funds.

(5) The commitment of the applicant to the control of venereal disease as reflected in the commitment of applicant resources to the program.

(b) The approval of a grant application or the award of funds shall not obligate the United States to make additional, supplemental, continuation, or other award to any approved project. The grantee must apply separately for continuing support.

§ 51b.407 How can grant funds be used?

Grant funds awarded under this subpart may be used only for programs approved under section 318(c) of the Act. Unless specifically approved for that purpose, grant funds shall not be used for performing diagnostic tests (other than gonorrhea screening tests), maintaining central registries, providing diagnostic and treatment facilities and services, or automatic data processing. To obtain special approval, the grantee shall justify the exception to the satisfaction of the Secretary that funds for this purpose are necessary for the proper conduct of the program and are otherwise unavailable. Exceptions will be limited to (a) special studies or demonstrations, (b) the support of developmental or start-up activity, or (c) the support of an essential service which will result in a saving to a detection or prevention activity supported by the grant. Unless otherwise approved, exceptions based on paragraphs (b) and (c) of this section are only allowed during one funding period. The grantee must assure support of these activities in subsequent funding periods.

Subpart E—Grants for Influenza Immunization Programs

§ 51b.501 To which programs does this subpart apply?

The regulations in this subpart apply to the award of grants under Section 317 of the Act for programs to immunize persons in high-risk groups against influenza.

§ 51b.502 Definitions.

As used in this subpart:

"High-risk groups" means those groups of persons at highest risk of serious illness or death due to influenza and its complications, as specified in grant guidelines.

§ 51b.503 Who is eligible for a grant under this subpart?

An applicant must be a State agency or an agency of a political subdivision of a State which has legal responsibility for disease control under the laws of a State.

§ 51b.504 What information is required in the application?

The application for a grant must include a description of the following:

(a) Background and need for grant support including:

(1) An overview of the public, private, and voluntary health care delivery systems in the project area which are or will be available to conduct the program.

(2) The extent of current influenza immunization services provided in the public and private sectors with specific information concerning the purchase, distribution, use of vaccine, and the populations served.

(3) Estimates of the number of persons in the high-risk groups.

(b) Long-term and short-term objectives which are specific, measurable, and realistic, and which relate to the National Program Goals, as specified in grant guidelines.

(c) A detailed description of the method for carrying out the following program activities:

(1) Delivery of influenza vaccinations to high-risk populations, through cooperative efforts with public health and private health care providers and voluntary organizations serving high-risk groups.

(2) Detecting and reporting outbreaks of influenza, including laboratory and epidemiologic surveillance.

(3) Monitoring illnesses or injuries which occur subsequent to vaccination.

(4) Dissemination of influenza information to health care providers and high-risk individuals to create awareness of the need for vaccination and to encourage active participation in the program.

(5) Assuring accountability for all vaccines stored, distributed, and administered.

(6) Other activities which will promote the achievement of program objectives.

(d) A budget and justification for grant funds requested.

(e) Assurance that no one will be denied services because of inability to pay and that the services are provided in a manner which preserves human dignity and maximizes acceptance.

§ 51b.505 How will grant applications be evaluated and the grants awarded?

(a) Within the limits of funds available, the Secretary may award grants to assist in meeting part of the cost of an influenza immunization program. Before awarding a grant to a political subdivision of a State, the Secretary will consult with the State health authority.

(b) Priorities for funding will be based on the extent to which:

(1) The proposed activities are likely to result in a balanced program of vaccine delivery, detection and reporting of influenza outbreaks, monitoring of vaccine reactions, and information dissemination to health care providers and high-risk individuals.

(2) The plan of operation is likely to supplement rather than replace vaccinations given in the public or private sector.

(3) Project objectives are specific, measurable, realistic, and related to the national program goals.

(4) Budget requests and the proposed use of grant funds are appropriate and reasonable for a balanced program.

(5) There are plans for the coordination of activities with related programs and the effective use of volunteer groups and other community resources.

(6) The described methods of evaluation are likely to be effective in measuring the achievement of program objectives.

(c) The approval of a grant application or the award of funds shall not obligate the United States to make supplemental, continuation, or other award to a grantee. The grantee must apply separately for continuing support.

§ 51b.506 How can grant funds be used?

(a) Grant funds may be used for costs of planning and establishing influenza immunization delivery services, for the purchase of influenza vaccine, and for the implementation of other approved program activities.

(b) Vaccine purchased with grant funds may be provided to private practitioners who agree not to charge for the vaccine, although a charge for vaccine administration may be permitted.

[FR Doc. 79-21379 Filed 7-10-79; 8:45 am]

BILLING CODE 4110-86-M

Health Care Financing Administration**42 CFR Part 405****Medicare Program; Elimination of the Combination Method of Apportionment and Modified Cost Finding for Providers; Correction**

AGENCY: Health Care Financing Administration, HEW.

ACTION: Correction to final rule.

SUMMARY: The purpose of this notice is to correct a draftmanship error in amendments eliminating the use of the Combination Method of apportionment and modified cost finding and mandating the use of the Departmental Method of apportionment to determine allowable costs for health care services provided to Medicare beneficiaries. These amendments were published as a final rule at 44 FR 3984 on January 19, 1979.

EFFECTIVE DATE: This correction is effective July 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Hugh McConville, Medicare Bureau, Room 412, East Building, 6401 Security Boulevard, Woodlawn, Maryland 21235, telephone: (301) 594-9682.

SUPPLEMENTARY INFORMATION: The amendments eliminating the use of the Combination Method of apportionment and mandating the use of the Departmental Method of apportionment were published as proposed rules on November 26, 1976 (41 FR 52067); and as final rules on January 19, 1979 (44 FR 3984). The preamble statements describing the contents of these documents clearly do not indicate an intention to amend the prior rules to include all classes of "provider" organizations within the application of the new rules. Our review indicates, however, that a literal reading of the new rules could lead to an improper interpretation.

Prior to the publication of the amendments on January 19, 1979, it was clear that the rules governing the use of the Combination and Departmental Methods of apportionment were applicable only to hospitals, hospital complexes, and skilled nursing facilities. However, by our use of the words "All providers" in the new rule appearing in § 405.452(c)(4), which for Medicare program purposes would include other classes of "provider" organizations as well as hospitals, hospital complexes, and skilled nursing facilities, we inadvertently raise a question concerning the proper application of the new rule. Since we did not intend any change from the limited application of

the prior rule, we believe that action to correct the draftmanship error in § 405.452(c)(4) is appropriate.

The correction is consistent with our stated intentions in amending the prior rules and will continue to limit the application of the new rule to hospitals, hospital complexes, and skilled nursing facilities.

Accordingly, in FR Doc. 79-2046 appearing at page 3984 in the Federal Register of Friday, January 19, 1979, paragraph (c)(4) of § 405.452 appearing on page 3986 is corrected to read as follows:

§ 405.452 Determination of cost of services to beneficiaries.

* * * * *

(c) *Availability of apportionment methods for cost reporting periods starting after December 31, 1971.* * * *

(4) *New providers.* All hospitals, hospital complexes, and skilled nursing facilities entering the program on or after January 1, 1979, must use the Departmental Method of apportionment starting with their first cost reporting period.

* * * * *

(Secs. 1102, 1814(b), 1815, 1833(a), 1861(v) and 1871 of the Social Security Act (42 U.S.C. 1302, 1395f(b), 1395g, 1395l(a), 1395x(v) and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.773 Medicare-Hospital Insurance; No. 13.774 Medicare-Supplementary Medical Insurance)

Dated: May 16, 1979.

Leonard D. Schaeffer,
Administrator, Health Care Financing Administration.

Approved: June 29, 1979.

L. David Taylor,
Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 79-21381 Filed 7-10-79; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR Part 67**

[Docket No. FI-5095]

Final Flood Elevation Determination for the Village of Coal Valley, Rock Island County, Ill.; 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 Village of Coal Valley, Rock Island County, Illinois.

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 Coal Valley, Rock Island County, Illinois.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Village of Coal Valley are available for review at the Village Hall, P.O. Box 105, Coal Valley, Illinois.

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 Coal Valley, Rock Island County, Illinois.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock River	1.4 miles downstream of confluence with Shaffer Creek	572
	Confluence of Shaffer Creek	573
Coal Creek	Downstream corporate limits	624
	Upstream side of 1st Street	627
	Upstream corporate limit	631
Coal Creek Tributary...	188 feet downstream of U.S. Highway 150.	628

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	325 feet upstream of U.S. Highway 150.	629
	1,450 feet upstream of U.S. Highway 150.	636
Shaffer Creek.....	Upstream side of U.S. Highway 6.	573
	430 feet upstream of U.S. Highway 6.	574

(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, 1978), 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: June 7, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-20997 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5094]

Final Flood Elevation Determination for the Village of Bellwood, Cook County, Ill., 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 Village of Bellwood, Cook County, Illinois.

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 Bellwood, Cook County, Illinois.

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

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 Bellwood, Cook County, Illinois.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Addison Creek.....	At Eisenhower Expressway downstream corporate limit.	627
	Just downstream of Jackson Street.	628
	Just downstream of the Chicago and Northwestern Railroad approximately 200 feet upstream of Madison Street.	630
	900 feet downstream of St. Charles Road.	630
	200 feet upstream of St. Charles Road.	632
	At upstream corporate limit....	633

(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, 1978), 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: June 1, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-20998 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4995]

Final Flood Elevation Determination for the City of East Peoria, Tazewell County, Ill., 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 East Peoria, Tazewell County, Illinois.

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 East Peoria, Tazewell County, Illinois.

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

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 East Peoria, Tazewell County, Illinois.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Illinois River.....	At western corporate limits ...	459
	Just upstream of Toledo Peoria and Western Railroad Bridge.	460
	At northern corporate Limits ..	460

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Farm Creek	Confluence with Illinois River.	460
	Upstream of Peoria and Perkin Union Railroad.	461
	580 feet upstream of State Route 116.	462
	Upstream side of Interstate 74.	466
	400 feet upstream from East Washington Street.	470
	400 feet upstream from U.S. Route 150.	476
	Confluence with Dempsey Creek.	480
	At eastern corporate limits	489
	At western corporate limits (3.90 miles upstream from confluence with Illinois River).	493
	At upstream corporate limits (4.08 miles upstream from confluence with Illinois River).	499
Farm Creek Diversion Channel.	At confluence with Illinois River.	460
	At confluence with Farm Creek.	460
Dempsey Creek	At confluence with Farm Creek.	480
	Upstream side of U.S. Route 150.	481
	180 feet downstream from U.S. Route 150.	502
	140 feet upstream from U.S. Route 150.	507
	Upstream side of Hill Road	531
	Upstream side of U.S. Route 150.	540
	Corporate limits (1.725 miles upstream from confluence with Farm Creek).	559
	Corporate limits (2.165 miles upstream from confluence with Farm Creek).	581
Fondulac Creek	Downstream side of U.S. Route 150 (2.67 miles upstream from mouth).	609
	Upstream of corporate limits (2.79 miles upstream from mouth).	616
	At Illinois Route 8	508
	120 feet upstream from Oakwood Road.	521
School Creek	Upstream side of Government Access Road.	522
	Upstream side of Farmdale Road at southern corporate limits.	521
	At eastern corporate limits	533

(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, 1978), 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: June 1, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-20999 Filed 7-10-79; 8:454 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5096]

Final Flood Elevation Determination for the Village of Indian Head Park, Cook County, Ill., 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 Village of Indian Head Park, Cook County, Illinois.

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 Indian Head Park, Cook County, Illinois.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Village of Indian Head Park are available for review at the Village Hall, Indian Head Park, Illinois.

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 Indian Head Park, Cook County, Illinois.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Flagg Creek.....	Southern corporate limits	632
	About 200 feet upstream of 70th Place.	634
	About 200 feet upstream of Interstate 294.	637

(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, 1978), 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: June 1, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-21000 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-7157]

Final Flood Elevation Determination for the City of Mendota, La Salle County, Ill., 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 Mendota, La Salle County, Illinois.

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 Mendota, La Salle County, Illinois.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Mendota are available for review at the City Hall, 607 8th Street, Mendota, Illinois.

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 Mendota, La Salle County, Illinois.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Mendota Creek.....	Downstream corporate limits.....	727	
	Just downstream of 1st Avenue.....	731	
	450 feet upstream from Burlington Northern Railroad.....	734	
	50 feet upstream from 3rd Street.....	736	
	500 feet upstream from 4th Street.....	737	
	125 feet upstream from 5th Street.....	738	
	400 feet upstream from Washington Street.....	742	
	150 feet upstream from Monroe Street.....	744	
	100 feet upstream from Chicago Street.....	746	
	100 feet downstream from Meridian Street.....	749	
	Just upstream of Route 51, 52 (13th Avenue).....	757	
	380 feet upstream from Lakewood Street.....	758	
	130 feet downstream from upstream corporate limits.....	770	
	First Creek.....	Downstream corporate limits.....	719
		75 feet upstream from 1st Avenue.....	725
Just upstream of 10th Street.....		727	
250 feet upstream from 11th Street.....		730	
50 feet upstream from U.S. Route 34 West.....		733	
Just upstream of Burlington Northern Railroad.....		737	
100 feet upstream from Stroble Avenue.....		739	
Upstream end of Guiles Avenue culvert.....		746	
300 feet upstream from 16th Street.....		748	
2900 feet upstream from 16th Street.....		758	
Upstream corporate limits.....	765		

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
First Creek Tributary	280 feet upstream from 10th Street on First Creek.....	728
	Confluence with First Creek... 220 feet upstream from 11th Street East.....	730
	Just upstream of U.S. Route 34 East.....	732
	Just upstream of First Crossing Burlington Northern Railroad.....	739
	Just upstream of 16th Street.....	739
	100 feet upstream of Second Crossing Burlington Northern Railroad bridge.....	741
	250 feet upstream from Lincoln Avenue.....	747
	Upstream corporate limits.....	750

(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, 1978), as amended; 42 U.S.C. 400-14128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: June 1, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-21001 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4996]

Final Flood Elevation Determination for the City of Oak Forest, Cook County, Ill., 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 Oak Forest, Cook County, Illinois.

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 Oak Forest, Cook County, Illinois.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Oak Forest are available for review at the City Hall, 15601 South Cicero Avenue, Oak Forest, Illinois.

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 Oak Forest, Cook County, Illinois.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Midlothian Creek.....	Downstream corporate limit.....	633
	At Waverly Avenue.....	637
	Just upstream of 159th Street.....	646
Natalie Creek.....	At 163rd Street.....	654
	Just upstream of Cicero Avenue.....	637
	Just upstream of Laporte Avenue.....	641
Boca Rio Ditch.....	Just upstream of Laramie Avenue.....	648
	Just upstream of 155th Street.....	654
	At upstream corporate limits.....	660
Western Tributary to Midlothian Creek.....	Just upstream of 147th Street.....	659
	Just upstream of 151st Street.....	671
	Just upstream of Alameda Avenue.....	678
Mouth at Midlothian Creek.....	Just downstream of Victoria Drive.....	683
	Just upstream of Chicago Rock Island and Pacific Railroad.....	651
	Upstream corporate limits.....	660
Upstream corporate limits.....	665

(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, 1978), 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: June 1, 1979.
 Gloria M. Jimenez,
 Federal Insurance Administrator.
 [FR Doc. 79-21002 Filed 7-10-79; 8:45 am]
 BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4974]

Final Flood Elevation Determination for the City of Pontiac, Livingston County, Ill., 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 Pontiac, Livingston County, Illinois.

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 Pontiac, Livingston County, Illinois.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Pontiac, Livingston County, Illinois, are available for review at the City Hall, 321 North Main Street, Pontiac, Illinois.

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 Pontiac, Livingston County, Illinois.

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 44 CFR Part 67.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (9) 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 44 CFR Part 67.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Vermilion River	Pontiac Corporate Limits	642
	Norfolk and Western Railway	642
	Footbridge along Riverview Drive.	641
	Dam near Mill Street.....	640
	Vermilion Street.....	640
	Illinois Central Gulf Railroad...	639
	Ladd Street.....	638
	Dam near Ladd Street	638
	U.S. Route 66	638
	Pontiac Corporate Limits	636
	Illinois Central Gulf Railroad...	635
	Pontiac Corporate Limits	634

(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: June 1, 1979.
 Gloria M. Jimenez,
 Federal Insurance Administrator.
 [FR Doc. 79-21003 Filed 7-10-79; 8:45 am]
 BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4310]

Final Flood Elevation Determination for the City of Rockford, Winnebago County, Ill., 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 Rockford, Winnebago County, Illinois.

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 Rockford, Winnebago County, Illinois.

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

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 Rockford, Winnebago County, Illinois.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Rock River	Harrison Avenue.....	701	
	Fordam Dam	705	
	Auburn Street.....	708	
	Riverside Boulevard.....	710	
	U.S. Highway 51	709	
Spring Creek	Willow Road	720	
	Spring Creek Road.....	725	
	Alpine Road.....	783	
	Cheroakwood Lane	805	
	Imperial Oaks Road	823	
	Spring Lake Drive.....	842	
	Rock Valley College Service Road.	853	
	Rock Valley College Footbridge.	860	
	Keith Creek	Seminary Road.....	705
		Kishwaukee Road.....	711
5th Street (Downstream)		720	
6th Street (Downstream)		724	
Railroad Avenue		728	
15th Street.....		731	
Charles Street.....		737	
Morsay Drive		748	
Alpine Road.....		765	
Kent Creek	Alpine Dam.....	796	
	Country Club Road.....	796	
	Illinois Central & Gulf Railroad.	704	
South Kent Creek.....	Corbin Street.....	715	
	Independence Avenue.....	722	

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Downstream Limit of Levings Lake.	742
	Upstream Corporate Limits....	744
North Kent Creek.....	Cedar Street.....	708
	State Street.....	711
	Auburn Avenue.....	717
	Central Avenue.....	719
	Sanford Road.....	733

(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: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21004 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4998]

Final Flood Elevation Determination for the Village of Tinley Park, Cook and Will Counties, Ill. 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 Village of Tinley Park, Cook and Will Counties, Illinois.

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 Tinley Park, Cook and Will Counties, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Tinley Park are available for review at the Village Hall, Office of Director of Community Development, 17355 South 68th Court, Tinley Park, Illinois.

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 Tinley Park, Cook and Will Counties, Illinois,

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 44 CFR 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Midlothian Creek	2,800 feet downstream of Gaynelle Avenue.	675
	700 feet upstream of Gaynelle Avenue.	684
	700 feet upstream of Oak Park Avenue.	694
	Just upstream of 80th Avenue.	696
	171st Street (upstream corporate limit).	696
76th Avenue Ditch.....	Mouth at Midlothian Creek.....	695
	167th Street.....	695
	Just upstream of 164th Plaza	696
	Just upstream of Nottingham Drive.	699
	Just upstream of 163rd Street.	702
	76th Avenue.....	702
Union Drainage Ditch..	Just upstream of 159th Street.	706
	Upstream corporate limit.....	708
	Downstream Corporate limits.	692
	1,000 feet downstream of Oak Park Avenue.	693
	Upstream corporate limit.....	694
Tributary to Union Drainage Ditch.	Downstream corporate limit...	694
	Downstream of 183rd Street..	695
	Upstream of 183rd Street.....	696
	Just downstream of 80th Avenue.	697

(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, 1978), 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: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21005 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5135]

Final Flood Elevation Determination for the City of Anderson, Madison County, Ind., 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 Anderson, Madison County, Indiana.

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 Anderson, Madison County, Indiana.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Anderson are available for review at the City Planning Department, Anderson, Indiana.

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 Anderson, Madison County, Indiana.

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 44 CFR Part 60(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White River.....	At western corporate boundary.....	828
	1300 feet upstream of Moss Island Road.....	835
	At Madison Avenue.....	839
	Downstream side of State Route 9.....	842
	At East 10th Street.....	846
	At 200 East Road.....	852
	At corporate limits 210 feet upstream from State Route 32.....	860
Killbuck Creek.....	150 feet above confluence with White River.....	842
	2500 feet downstream of 200 North Road.....	843
	500 feet downstream of 200 North Road.....	844
	At 200 North Road.....	845
Pittsford Ditch.....	At confluence with White River.....	848
	Downstream side of 18th Street.....	854
	Upstream side of 18th Street, 900 feet upstream of 18th Street.....	858
	Upstream side of 22nd Street.....	874
Boland Drainage Ditch.....	At Ohio Avenue.....	878
	At southern corporate boundary.....	859
	1100 feet downstream of Indiana Highway 67.....	860
	At Indiana Highway 67.....	863
	Downstream side of 38th Street.....	863
	Upstream side of 38th Street.....	866
	At Madison Avenue.....	868

(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, 1978), 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: June 7, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21006 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4080]

Final Flood Elevation Determinations for the Town of Brownsburg, Hendricks County, Ind., Under the National Flood Insurance Program; Cancellation

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

ACTION: Cancellation final rule.

SUMMARY: The Federal Insurance Administration has erroneously published at 44 FR 25210 on April 30, 1979, the final flood elevation determination for the Town of Brownsburg, Hendricks County, Indiana. This notice will serve as a cancellation of that publication. A new notice of flood elevation determination will be published in the near future.

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

(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: June 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-21007 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4975]

Final Flood Elevation Determination for the City of Hobart, Lake County, Ind., 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 Hobart, Lake County, Indiana.

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 Hobart, Lake County, Indiana.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Hobart, Lake County, Indiana, are available for

review at the City Hall, 414 Main Street, Hobart, Indiana.

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 Hobart, Lake County, Indiana.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deep River.....	Downstream Corporate Limits.....	603
	39th Avenue (Upstream Side).....	604
	Conrail (Upstream Side).....	610
	Hobart Dam (Upstream Side).....	610
	3rd Street (Upstream Side).....	612
	Norfolk and Western Railway (Upstream Side).....	613
	Wisconsin Street.....	613
	Elgin, Joliet and Eastern Railway, (Upstream Side).....	613
	Decatur Street.....	613
	Bracken Road.....	614
Duck Creek.....	Upstream Corporate Limits.....	614
	Front Street.....	610
	Elgin, Joliet and Eastern Railway,.....	610
Turkey Creek.....	10th Street (Upstream Side).....	611
	County Line Road.....	612
	Confluence with Deep River.....	613
	Liverpool Road.....	613
	Corporate Limits.....	613

(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: June 1, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-21008 Filed 7-10-79; 8:45 am]
BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4999]

Final Flood Elevation Determination for the Town of Lowell, Lake County, Ind., 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 Town of Lowell, Lake County, Indiana.

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 Lowell, Lake County, Indiana.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Lowell are available for review at the Town Hall, 512 East Commercial Street, Lowell, Indiana.

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 Lowell, Lake County, Indiana.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cedar Creek.....	At southern corporate limit.....	658
	1,000 feet downstream of Oakley Avenue.	659
	Just downstream of Oakley Avenue.	661
	300 feet upstream of Washington Avenue.	666
	Just upstream of Main Street.	669
	Just upstream of Mill Street....	670
	Just upstream of Clark Street	671
McConnell Ditch.....	At northern corporate limit.....	674
	Confluence with Cedar Creek	671
	Just upstream of Morse Street.	673
	At northern corporate limits ...	674

(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, 1978), 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: June 1, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-21009 Filed 7-10-79; 8:45 am]
BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4862]

Final Flood Elevation Determination for the City of Martinsville, Morgan County, Ind., 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 Martinsville, Morgan County, Indiana.

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 Martinsville, Morgan County, Indiana.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Martinsville are available for review at the City Hall, P.O. Box 1415, Martinsville, Indiana.

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 Martinsville, Morgan County, Indiana.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White River.....	Approximately 1.7 miles downstream of Conrail Railroad Bridge.	592
	Upstream side of Conrail Bridge.	596
	Upstream side of State Route 39 Bridge.	600
	Approximately 2.69 miles upstream of State Route 39.	604
Indian Creek.....	Approximately 1,850 feet downstream of State Route 37.	591
	Upstream side of State Route 37.	592
	Upstream side of 500 West Road.	599
	Approximately 2.6 miles upstream of 500 West Road.	605

(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, 1978), 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: June 1, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-21010 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5000]

Final Flood Elevation Determination for the Town of Vevay, Switzerland County, Ind., 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 Town of Vevay, Switzerland County, Indiana.

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 Vevay, Switzerland County, Indiana.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Vevay are available for review at the Town Hall, 702 West Main Street, Vevay, Indiana, and the Switzerland County Planning Commission, Vevay, Indiana.

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 Vevay, Switzerland County, Indiana.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Upstream corporate limit	471
	Downstream corporate limit	471

(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, 1978), 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: June 1, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-21011 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-4321]

Final Flood Elevation Determination for the City of Burlington, Coffey County, Kans., 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 Burlington, Coffey County, Kansas.

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 Burlington, Coffey County, Kansas.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Burlington, Coffey County, Kansas, are available for

review at the City Hall, 3rd and Hudson Streets, Burlington, Kansas.

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 Burlington, Coffey County, Kansas.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet above mean sea level
Neosho River	Confluence with Rock Creek	1,018
	Neosho Street Bridge	1,019
	City Dam	1,021
Rock Creek	Confluence with Neosho River	1,018
	Third Street	1,021
	Culvert Outlet (downstream of Neosho Street)	1,021
	Fourth Street	1,022
	Culvert Inlet (upstream of Fourth Street)	1,025
	Sixth Street	1,025
	Kennebec Street (1st Crossing)	1,029
	Sixteenth Street (Downstream)	1,032

(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: June 1, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-21012 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5001]

Final Flood Elevation Determination for the City of Marion, Marion County, Kans., 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 Marion, Marion County, Kansas.

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 Marion, Marion County, Kansas.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Marion are available for review at the City Hall, 203 North 3rd, Marion, Kansas.

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 Marion, Marion County, Kansas.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cottonwood River.....	1500 feet downstream of Third Street.	1,306
	Just upstream of Third Street	1,307
	1100 feet downstream of the Chicago Rock Island and Pacific Railroad.	1,310
	Just downstream of the Chicago Rock Island and Pacific Railroad.	1,311
	Just upstream of the Chicago Rock Island and Pacific Railroad.	1,314
Cottonwood River Tributary.	800 feet upstream of Main Street.	1,315
	Southern corporate limit.....	1,306
	1700 feet downstream of Welch Street.	1,309
	500 feet downstream of Welch Street.	1,313
	Just upstream of Welch Street.	1,319
Old Mod Creek Channel (Interior Drainage Rainfall).	1200 feet upstream of Welch Street.	1,322
	Ponding area.....	1,303

(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, 1978), 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: June 1, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-21013 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 67

[Docket No. FI-5099]

Final Flood Elevation Determination for the Village of Coal Run, Pike County, Ky., 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 Village of Coal Run, Pike County, Kentucky.

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 Coal Run, Pike County, Kentucky.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Coal Run, Pike County, Kentucky are available for review at the State Police Barracks, North Mayo Trail, Pikeville, Kentucky.

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 Coal Run, Pike County, Kentucky.

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 44 CFR Part 67.4(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 44 CFR Part 60.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Levisa Fork	Just upstream of Ratliff Street extended.	665
	280 feet downstream of Happy Valley Drive extended.	666

(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: June 14, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-21014 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-23-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 502, 503

[Docket No. 79-13; General Order 16, Amdt. 30 and General Order 22, Amdt. 9]

Fees for Services

AGENCY: Federal Maritime Commission.

ACTION: Final rules.

SUMMARY: Parts 502 and 503 have been revised to reflect the updating of existing fees and charges and the establishment of new fees for certain services provided by the Federal Maritime Commission. The purpose of the revision is to assure the recovery of costs to the extent possible for services rendered to identifiable individuals that are not offered to the public as a whole. Periodic reassessment of fees and charges is required under guidelines established by the Office of Management and Budget.

EFFECTIVE DATE: August 15, 1979.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTAL INFORMATION: This proceeding was instituted by a Notice of Proposed Rulemaking published in the *Federal Register* on March 14, 1979 (44 FR 15517-19). The Federal Maritime Commission proposed to revise its schedule of fees and charges for certain services by updating existing fees and charges and establishing new fees.

In the provisions of Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)), hereinafter referred to as "Title V," Congress has stated that "any work, services, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency . . . to or for any person . . . shall be self-sustaining to the full extent possible." In order to bring about the accomplishment of this objective, Title V authorizes the head of each agency to prescribe by regulation such fees and charges as he shall determine ". . . to be fair and equitable taking into consideration direct and indirect cost to the government, value to the recipient, public policy or interest served and other pertinent facts."

This enabling legislation also provides that the fees and charges shall be as uniform as practicable and subject to such policies as the President may

prescribe. On September 23, 1959, the Bureau of the Budget, now the Office of Management and Budget, issued Circular No. A-25, which sets forth general policies for developing a fair, equitable, and uniform system of charges for certain government services and property so as to implement the applicable provisions of Title V. Essentially, Circular No. A-25 requires that a reasonable charge be made to each recipient for a measurable unit or amount of Federal Government service from which he derives a benefit in order that the Government recover the full cost of rendering that service. The Circular further calls for a periodical reassessment of costs, with related adjustment of fees, if necessary, and the establishment of new fees where none exists.

Two comments were received in response to the Notice of Proposed Rulemaking. The National Capital Area Paralegal Association objects to the establishment of a fee for processing applications of nonattorneys to practice before the Commission (proposed § 503.43(h)). Mr. Wade S. Hooker, an attorney who practices before the Commission, has commented on the rise in the charge for subscription to Commission issuances in formal proceedings (proposed § 503.43(d)(1)).

The Commission proposed to establish a fee of \$10 for processing applications of nonattorneys for admission to practice. The Association argues that such a fee discriminates against nonattorneys in favor of attorneys who need only certify that they are a member in good standing of a state or Federal bar. The Association further questions whether nonattorneys should be required to apply for admission at all. We disagree with the position expressed by the Association. An attorney in good standing has already been examined as to professional ability and personal qualifications. On the other hand, an applicant nonattorney may be totally unknown to the Commission. The Commission has a duty to assure that persons appearing before it are qualified to represent others. Under the circumstances, the requirement for application for admittance is appropriate and the assessment of a modest fee for processing the application is proper under Title V.

Mr. Hooker expresses "surprise" that the charge for the subscription list should rise from \$30 to \$175 annually since the existing price was "established on February 25, 1975." In point of fact, the \$30 fee was established in 1965 and costs associated with providing the

service have escalated considerably since then. The most recent survey by the Commission shows the cost of service to be slightly in excess of \$200. We have set the revised fee at \$175 in acknowledgement of the public interest standard of Title V.

In light of the foregoing, we have determined to publish the final rules as they were proposed.¹

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) and Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)), as implemented by Budget Circular No. A-25, dated September 23, 1959, and Rule 52 of the Commission's Rules of Practice and Procedure, 46 CFR 502.52, Parts 502 and 503 of Title 46, Code of Federal Regulations are amended as set forth hereinafter.

I. The second sentence of 46 CFR 502.27 is amended to read as follows:

§ 502.27 Persons not attorneys at law.

* * * Applications by persons not attorneys at law for admission to practice before the Commission shall be made on the forms prescribed therefor, which may be obtained from the Secretary of the Commission, shall be addressed to the Federal Maritime Commission, Washington, D.C. 20573, and shall be accompanied by a fee as required by § 503.43(h) of this Chapter.

II. Subpart E of Part 503, Title 46 of the Code of Federal Regulations is revised to read as follows:

Subpart E—Fees

§ 503.41 Policy and services available.

Pursuant to policies established by the Congress, the Government's costs for special services furnished to individuals or firms who request such service are to be recovered by the payment of fees (Act of August 31, 1951—5 U.S.C. 140).

(a) Upon request the following services are available upon the payment of the fees hereinafter prescribed:

- (1) Copying records/documents
- (2) Certification of copies of documents
- (3) Records search

(b) Fees shall also be assessed for the following services provided by the Commission:

- (1) Subscriptions to Commission publications
- (2) Placing one's name, as an interested party, on the mailing list of a docketed proceeding

¹ A sentence has been added to § 503.43(c) to clarify the intent of the proposed rule to charge five cents per page plus cost of services when copying is performed by Commission personnel.

(3) Processing nonattorney applications to practice before the Commission

§ 503.42 Payment of fees and charges.

The fees charged for special services may be paid through the mail by check, draft, or postal money order, payable to the Federal Maritime Commission, except for charges for transcripts of hearings. Transcripts of hearings, testimony, and oral argument are furnished by a nongovernmental contractor, and may be purchased directly from the reporting firm.

§ 503.43 Fees for services.

The basic fees set forth below provide for documents to be mailed with postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postage therefor will be added to this basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(a) Photo-copying of records and documents performed by requesting party will be available at the rate of five cents per page (one side), limited to size 8½" x 14" or smaller.

(b) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at \$3 for each such certification.

(c) To the extent that time can be made available, records and information search and/or copying will be performed by Commission personnel for reimbursement at the following rates. Any such charges are in addition to a five cent per page charge for copies provided.

(1) By clerical personnel at a rate of \$5 per person per hour.

(2) By professional personnel at an actual hourly cost basis to be established prior to search.

(3) Minimum charge for record and information search, \$5.

(4) Minimum charge for copying services performed by Commission personnel, \$1.

(5) *Exceptions.* No charge for copying or searching will be made for providing a single copy of a tariff page on file with the Commission.

(d) Annual subscriptions to Commission publications for which there are regular mailing lists are available at the charges indicated below for calendar year terms. Subscriptions for periods of less than a full calendar year will be prorated on a quarterly basis. No provision is made for refund upon cancellation of subscription by a purchaser.

(1) Orders, notices, rulings, and decisions (initial and final) issued by Administrative Law Judges and by the Commission in all formal docketed proceedings before the Federal Maritime Commission are available at an annual subscription rate of \$175.

(2) Final decisions (only) issued by the Commission in all formal docketed proceedings before the Commission are available at an annual subscription rate of \$50.

(3) General Orders of the Commission are available at the following rates: 1) initial set including all current General Orders for a fee of \$12.50, and 2) an annual subscription rate of \$2 for all amendments to existing General Orders and any new General Orders issued.

(4) *Exceptions.* No charge will be made by the Commission for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Commission. No charge will be made for single copies of the above Commission publications individually requested in person or by mail. In addition, a subscription to Commission mailing lists will be entered without charge when one of the following conditions is present:

(i) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization.

(ii) The recipient is another governmental agency, Federal, State, or local, concerned with the domestic or foreign commerce by water of the United States or, having a legitimate interest in the proceedings and activities of the Commission.

(iii) The recipient is a college or university.

(iv) The recipient does not fall into paragraphs (d)(4) (i), (ii), or (iii) of this section but is determined by the Commission to be appropriate in the interest of its program.

(e) To have one's name and address placed on the mailing list of a specific docket as an interested party to receive all issuances pertaining to that docket, costs \$3 per proceeding.

(f) The Commission publication entitled "Automobile Manufacturers' Measurements" is available on a fiscal year subscription basis, including any supplements issued during the fiscal year in which purchased, for a fee of \$5.

(g) Loose-leaf reprint of the Commission's complete, current Rules of Practice and Procedure for an initial fee of \$2.50. Future amendments to the reprint are available at an annual subscription rate of \$1.50.

(h) Applications for admission to practice before the Commission for persons not attorneys at law must be accompanied by a fee of \$10 pursuant to § 502.27 of this Chapter.

(i) Upon a determination by the Commission that waiver or reduction of the fees prescribed in this section is in the public interest because the information furnished has been determined to be of primary benefit to the general public, such information shall be furnished without charge or at a reduced charge at the discretion of the Commission.

(j) Additional issuances, publications and services of the Commission may be made available for fees to be determined by the Managing Director, which fees shall not exceed the cost to the Commission for providing them.

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 79-21342 Filed 7-10-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[FCC 79-318]

Private Land Mobile Radio Service; Public Notice Concerning Assignments and Use for Frequencies in the 216-220 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Waiver of the Commission's Rules.

SUMMARY: The FCC waives § 90.259 of its rules until July 1, 1980, to allow the type acceptance and operation of radio equipment in the 216-220 MHz band employing F3 (voice) emission, provided this use of voice is an essential adjunct to authorized telemetry operation, and further provided that it is on a secondary basis to telemetry operations and Federal Government uses of the band.

DATE: The effective date is July 11, 1979.

ADDRESSES: Federal Communications Commission.

FOR FURTHER INFORMATION CONTACT: Eugene C. Bowler, Private Radio Bureau (202) 632-6497.

Assignments and use for Frequencies in the 216-220 MHz Band

The Commission has determined to waive Section 90.259 of the rules until July 1, 1980, to allow the type

acceptance and operation of radio equipment employing F3 emission in the 216-220 MHz band, provided it is part of an authorized telemetering operation.

The Commission has not waived the rule beyond the July 1, 1980, date because of the proposal before the 1979 World Administrative Radio Conference that the 216-220 MHz band be reallocated to the Maritime Mobile Radio Service.

Pursuant to this waiver of the rules, applicants eligible to use frequencies in the band 216-220 MHz may transmit voice communications (F3 emission) in addition to telemetry provided this voice communication is adjunct to the telemetering operations. F3 emission in this band is authorized only for testing purposes and for essential functions preparatory to the commencement of telemetering. All voice communications are secondary to telemetry, and no voice communications will be authorized in this Band except as an essential adjunct to authorized telemetering operations.

All transmissions in this band are secondary to Federal Government operations.

Action by the Commission May 29, 1979. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, Brown and Jones. Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 79-20727 Filed 7-10-79; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1245 and 1246
(No. 37025)

Revisions to Preliminary Report of Number of Employees of Class I Railroads and the Monthly Report of Employees, Service, and Compensation, Forms A and B

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Informal Conference.

SUMMARY: The Commission is scheduling an informal conference to discuss changes contained in the final rule concerning railroad wage statistics published March 1, 1979, in the *Federal Register* (44 FR 11551).

DATES: Informal conference will take place at 9:30 a.m., July 24, 1979.

ADDRESSES: Informal conference will be held at the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., Tel. (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission published a final rule which

revised two reports concerning railroad employees, the Report of Employees, Service, and Compensation (Forms A&B) and the Preliminary Report of Number of Employees of Class I Railroads (see 44 FR 11551, March 1, 1979). The revised forms were to be used for the reporting period beginning July 1, 1979. The National Railway Executives' Association raised objections to this rule which caused us not to permit the rule to take effect at that time. An informal conference was held at the Commission's offices in Washington, D.C. on May 15, 1979. At that time, we entertained suggested revisions to the report forms. In the two months since, work has been done to design report forms acceptable to most interested parties. We now plan another informal conference at 9:30, July 24, 1979, to discuss the final changes. The conference will be open to anyone who wishes to attend.

Anyone not wishing to participate in the conference but desiring to express their views, may file written comments with the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-21405 Filed 7-10-79; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 26

Opening of Crab Orchard National Wildlife Refuge, Ill., to Public Access, Use, and Recreation.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to public access, use, and recreation of Crab Orchard National Wildlife Refuge is compatible with the objectives for which the area was established, and will provide additional recreational opportunity to the public.

DATES: July 11, 1979, through December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Wayne D. Adams, Project Manager, P.O. Box J, Carterville, Illinois 62918—telephone number 618/997-3344.

SUPPLEMENTARY INFORMATION:

§ 26.34 Special Regulations; public access, use, and recreation; for individual wildlife refuge areas.

Public access, use, and recreation are permitted on the Crab Orchard National Wildlife Refuge, Illinois, only on the areas designated by signs as being open to public access, use, and recreation. The areas are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, MN 55111. Public access, use, and recreation shall be permitted in accordance with the following special conditions:

(1) Swimming is prohibited in the closed portion of Crab Orchard Lake, marina areas, boat docks, boat ramps, spillways, dams, and causeways. Swimming, skin diving, snorkeling, and scuba diving is prohibited in Devils Kitchen Lake, except at the Campground Beach.

(2) All personal flotation devices, except those wearable devices approved by the U.S. Coast Guard, are prohibited on refuge waters.

(3) Foodstuffs, drink containers, pets, and fires are prohibited at designated beach areas and on the rock area immediately below Crab Orchard Lake Spillway.

(4) The Carterville Beach, Lookout Point, Crab Orchard Beach, Playport Boat Dock, Sailboat Basin, Crab Orchard Spillway Parking Lot and designated picnic areas are closed to unauthorized use from 9:00 P.M. until 5:00 A.M., local time, daily.

(5) All refuge campgrounds are closed to visitors from 11:00 P.M. until 7:00 A.M., local time.

(6) Quiet shall be maintained in all refuge campgrounds between 10:00 P.M. and 6:00 A.M., local time.

(7) The use of boats with motor larger than ten (10) horsepower is prohibited on Devils Kitchen Lake and Little Grassy Lake.

(8) The maximum boat speed limit on Crab Orchard Lake is 40 miles per hour, unless otherwise posted.

(9) Visitors must be attired appropriately while on the refuge. Public nudity, or topless attire by females is prohibited.

(10) Camping, defined as the use of tents, bedrolls, motorized vehicles, trailers and other shelters for overnight stays for the purpose of sleeping, is prohibited except at Devils Kitchen, Little Grassy, Crab Orchard Lake, and Crab Orchard Boat and Yacht Club campgrounds.

(11) All visitors must comply with all Illinois State laws and Administrative Orders.

(12) Special use areas in Area II are regulated, as posted, for hours of use.

(Sec. 2, 22 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, 45 Stat. 449 (16 U.S.C. 690d); Sec. 10, Stat. 1244 (16 U.S.C. 715); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); Sec. 4, 76 Stat. 654 (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd); (5 U.S.C. 301); (16 U.S.C. 685, 725, 680d).)

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 26. The public is invited to offer suggestions and comments at any time.

Note.—The 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.

Wayne D. Adams,

Project Manager, Crab Orchard National Wildlife Refuge.

July 2, 1979.

[FR Doc. 79-21320 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-55-M

29080). The regulations expired on June 29. Those regulations were also published as interim rulemaking to implement the high seas salmon off Alaska FMP prepared by the North Pacific Fishery Management Council.

The emergency regulations are hereby extended, effective July 9, in order to provide time to evaluate the public comment on the interim regulations and prepare final regulations.

It has been determined that the emergency in this fishery, as described in 44 FR 29083, continues to exist.

Signed at Washington, D.C., this the 6th day of July, 1979.

(16 USC 1801 *et seq.*)

Winfred H. Meibohm

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-21446 Filed 7-10-79; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

Alaska Salmon Fishery

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency regulations.

SUMMARY: Emergency regulations implementing the Fishery Management Plan (FMP) for the "High Seas Salmon Fishery off the Coast of Alaska East of 175° East Longitude" are continued in effect until August 22, 1979, or until final regulations are promulgated.

EFFECTIVE DATES: The emergency regulations are repromulgated effective July 9, 1979, until August 22, or the time when final regulations are promulgated, if sooner.

FOR FURTHER INFORMATION CONTACT: Mr. Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Telephone: 907-586-7221.

SUPPLEMENTARY INFORMATION: On May 18, 1979, emergency regulations were published governing fishing in the high seas salmon fishery off the coast of Alaska east of 175° east longitude (44 FR

Proposed Rules

Federal Register

Vol. 44, No. 134

Wednesday, July 11, 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

Agriculture Marketing Service

[7 CFR Part 1049]

[Docket No. AO-319-A30]

Milk in the Indiana Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider an industry proposal to amend the Advertising and Promotion provisions of the Indiana milk marketing order. The proposal would increase the funding rate for the Advertising and Promotion program and tie such rate to the level of the blend price to producers.

DATE: July 24, 1979.

ADDRESS: Holiday Inn, Indianapolis, Indiana, Airport.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Holiday Inn, Indianapolis, Indiana, Airport beginning at 9:30 a.m., local time, on July 24, 1979, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Indiana marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, contained in this hearing notice, and any appropriate modifications of them, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Associated Milk Producers, Inc., Mid-States Region; Milk Marketing, Inc.; and McDonald Cooperative Dairy Company:

Proposal No. 1

Amend the provisions relative to the Advertising and Promotion program as follows:

A. Amend § 1049.61 as follows:

§ 1049.61 Computation of uniform price (including weighted average price).

* * * * *

(a) * * *

(b) * * *

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1049.60(f);

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price";

(f) For the months of January through March and August, subtract from the weighted average price computed in paragraph (e) of this section the withholding rate for the Advertising and Promotion program as computed in § 1049.121(e). The result shall be the "uniform price" for the applicable month;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (c) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (d)(2) of this section by the weighted average price;

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by 20 cents. The amount so subtracted, and the interest subsequently earned thereon (less any money not available for crediting under this paragraph because of insufficient payment by a handler to the producer-settlement fund) shall be credited to the producer-settlement fund and remain as an obligated amount until disbursed pursuant to paragraph (i) of this section;

(i) * * *

(j) Divide the resulting sum by the hundredweight of producer milk included in these computations;

(k) Subtract the withholding rate for the Advertising and Promotion program as computed in § 1049.121(e); and

(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1049.71 [Amended]

B. In § 1049.71(a)(2)(ii) delete the words "plus 5 cents".

§ 1049.75 [Amended]

C. In § 1049.75(b) delete the words "plus 5 cents".

§ 1049.76 [Amended]

D. In § 1049.76(a)(4) delete the words "plus 5 cents".

E. Revise § 1049.120(c) and add a new paragraph (d) to read:

§ 1049.120 Procedure for requesting refunds.

* * * * *

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such calendar quarter pursuant to § 1049.121(b).

(d) A dairy farmer who, with respect to any calendar quarter, has appropriately filed request for refund of program assessments on his marketings of milk under another order that provides for an advertising and promotion program will be eligible (on

the basis of his request filed under the other order) for refund with respect to his producer milk marketed under this order during such quarter for which deductions were made pursuant to § 1049.121(b).

F. Revise § 1049.121 to read:

§ 1049.121 Duties of the market administrator.

Except as specified in § 1049.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1049.113(c);

(b) Each month set aside into an advertising and promotion fund, separately accounted for, an amount equal to the withholding rate for the month as set forth in paragraph (e) of this section times the amount of producer milk included in the uniform price computation for such month. The amount set aside shall be disbursed as follows:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to paragraph (b)(2) and (3) of this section, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed the rate per hundredweight determined pursuant to paragraph (e) of this section on the volume of milk pooled by any such producer for which deductions were made pursuant to this paragraph.

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1049.120. Such refund shall be computed by multiplying the rate specified in paragraph (e) of this section by the hundredweight of such producer's milk pooled for which deductions were made pursuant to this paragraph for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

(c) Promptly after the effective date of this amending order, and thereafter with

respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1049.110 through 1049.122).

(d) Audit the Agency's records of receipts and disbursements.

(e) As soon as possible after the beginning of each year, compute the rate of withholding by multiplying the simple average of the monthly "weighted average prices" for the last quarter of the preceding year by 0.75 percent and rounding to the nearest whole cent. This rate shall apply during the 12-month period beginning with April of the current year.

(f) As soon as possible after the rate of withholding is computed, notify in writing each producer currently on the market and any new producer that subsequently enters the market of the withholding rate. This notification shall be repeated annually thereafter only if there is any change in the rate from the previous period.

**Proposed by the Dairy Division,
Agricultural Marketing Service**

Proposal No. 2

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, M. C. Jenkins, 5130 North Brouse Avenue, P.O. Box 55527, Indianapolis, Indiana 46205, or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of the General Counsel.
Dairy Division, Agricultural Marketing Service (Washington office only).
Office of the Market Administrator, Indiana marketing area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D. C., on July 6, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-21428 Filed 7-10-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

[10 CFR Part 782]

Claims of Patent and Copyright Infringement

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy (DOE) proposes regulations relating to requirements for the filing of claims against DOE where a potential claimant believes DOE is infringing privately-owned rights in patented inventions or copyrighted works. The proposed regulations set forth guidelines as to what the Department considers necessary to file a claim for patent or copyright infringement.

DATE: Comments must be received on or before August 15, 1979.

ADDRESS: Send comments to Mr. James E. Denny, Assistant General Counsel for Patents, U.S. Department of Energy, Mail Stop A2-3018, Washington, D.C. 20545. Telephone 301-353-4018.

FOR FURTHER INFORMATION CONTACT: Jack Q. Lever, Jr., Office of the Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20545, 301-353-5093.

SUPPLEMENTARY INFORMATION: Section 651 of the Department of Energy Organization Act (42 U.S.C. 7261) provides the Secretary of Energy with the authority to acquire releases before suit is brought for past infringement of patents or copyrights by the Department of Energy. In addition to the settlement authority of 42 U.S.C. 7261, the head of the Department has authority to settle claims of patent and copyright infringement pursuant to 42 U.S.C. 2223; 22 U.S.C. 2356; 35 U.S.C. 183; and 28 U.S.C. 1498(b).

In accordance with these authorities, the Department of Energy (DOE) is issuing proposed regulations setting forth requirements for the filing of claims against DOE where a potential claimant believes DOE is infringing privately-owned rights in patented inventions or copyrighted works. The proposed regulations are designed to inform potential claimants as to what information must be supplied in their communication to DOE regarding

alleged infringement before DOE will consider a claim to have been filed. The regulations identify certain commonly received communications which are concerned with rights in patents and copyrights but which will not be considered sufficient to constitute the formal filing of a claim.

The requirements for filing of an administrative claim are important since the filing of a claim carries with it certain rights relating to the applicable statute of limitations for filing suit against the Government. In the case of patent infringement claims, Title 35 United States Code § 286 provides that the six year statute of limitations for filing suits for patent infringement may, in the case of claims against the Government, be tolled up to six years between the date of receipt of a written claim for compensation by the Government and the date of mailing by the Government of a notice that the claim has been denied. Copyright infringement claims can be tolled indefinitely under 28 U.S.C. § 1498(b) between the date of receipt of a written claim for compensation and the date of mailing by the Government of a notice that the claim has been denied. The proposed regulations set forth guidelines as to what the Department considers necessary to file a claim for patent or copyright infringement.

Section 782.5(a) provides that in order for a potential claimant's communication to DOE to formally instigate a claim, it must specifically allege infringement by DOE, request compensation, identify a patent or copyright alleged to be infringed and indicate an act or item which the potential claimant believes infringes the claimant's patent or copyright. Section 782.6 tells the potential claimant where to forward communications regarding the alleged infringement. Section 782.5(b) of the regulation identifies information which, although not necessary in order for a communication to be considered sufficient to constitute the filing of a claim, is usually necessary to process a claim and therefore if presented initially, may serve to expedite the handling of the claim. The proposed regulations provide for written notification upon completion of an investigation by DOE.

In accordance with Section 501(c) of the Department of Energy Organization Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy or large numbers of individuals or businesses. Accordingly, no public hearing is required.

Since this document is unlikely to have any significant effect on the environment, DOE has determined that the provisions of Section 7(a)(2) of the Federal Energy Administration Act, as amended, requiring that proposals having such effect be submitted to the Environmental Protection Agency for review and comment, does not apply.

DOE has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

(Department of Energy Organization Act; Section 651, 91 Stat. 601, 42 U.S.C. 7261; Atomic Energy Act of 1954; Section 107(d), 88 Stat. 1241, 42 U.S.C. 5817(d); Section 161(g), 80 Stat. 443, 42 U.S.C. 2201(g); Section 172, 62 Stat. 933, 42 U.S.C. 2223; Foreign Assistance Act of 1961, Section 2356, 75 Stat. 440, 22 U.S.C. 2356; Patents, Invention Secrecy Act; Section 183, 66 Stat. 4, 35 U.S.C. 183; Judiciary and Judicial Procedure Act, Section 1498, 62 Stat. 601, 28 U.S.C. 1498.)

Issued in Washington, D.C. this 3d day of July, 1979.

Lynn R. Coleman,
General Counsel.

In accordance with the foregoing, Part 782 of 10 CFR is proposed as follows:

PART 782—CLAIMS FOR PATENT AND COPYRIGHT INFRINGEMENT

Subpart A—General

- Sec.
782.1 Purpose.
782.2 Objectives.
782.3 Authority.

Subpart B—Requirements and Procedures

- 782.5 Contents of communication initiating claim.
782.6 Processing of administrative claims.
782.7 Incomplete notice of infringement.
782.8 Indirect notice of infringement.Q02

Authority: Department of Energy Organization Act; Section 651, 91 Stat. 601, 42 U.S.C. 7261; Atomic Energy Act of 1954; Section 107(d), 88 Stat. 1241, 42 U.S.C. 5817(d); Section 161(g), 80 Stat. 443, 42 U.S.C. 2201(g); Section 172, 62 Stat. 933, 42 U.S.C. 2223; Foreign Assistance Act of 1961, Section 2356, 75 Stat. 440, 22 U.S.C. 2356; Patents, Invention Secrecy Act; Section 183, 66 Stat. 4, 35 U.S.C. 183; Judiciary and Judicial Procedure Act, Section 1498, 62 Stat. 601, 28 U.S.C. 1498.

Subpart A—General

§ 782.1 Purpose.

The purpose of this regulation is to set forth policies and procedures for the filing and disposition of claims of infringement of privately owned rights in patented inventions or copyrighted works asserted against the Department of Energy.

§ 782.2 Objectives.

Whenever a claim of infringement of privately owned rights in patented inventions or copyrighted works is asserted against the Department of Energy, all necessary steps shall be taken to investigate, and to settle administratively, deny, or otherwise dispose of such claim prior to suit against the United States.

§ 782.3 Authority.

The Assistant General Counsel for Patents is authorized to investigate, settle, deny or otherwise dispose of all claims of patent and copyright infringement pursuant to 42 U.S.C. §§ 2201(g), 2223, 5817(d) and 7261; the Foreign Assistance Act of 1961, 22 U.S.C. § 2356 (formerly the Mutual Security Acts of 1951 and 1954); the Invention Secrecy Act, 35 U.S.C. § 183; and 28 U.S.C. § 1498.

Subpart B—Requirements and Procedures

§ 782.5 Contents of Communication Initiating Claim.

(a) *Requirements for Claim.* A patent or copyright infringement claim for compensation, asserted against the United States as represented by the Department of Energy under any of the applicable statutes cited in § 782.3 must be actually communicated to and received by an agency, organization, office or field establishment within the Department of Energy. Claims must be in writing and must include the following:

- (1) An allegation of infringement;
- (2) A request for compensation, either expressed or implied;
- (3) A citation of the patent(s) or copyrighted item(s) alleged to be infringed;
- (4) In the case of a patent infringement claim, a sufficient designation to permit identification of the item(s) or process(es) alleged to infringe the patent(s), giving the commercial designation, if known, to the claimant or in the case of a copyright infringement claim, the act(s) alleged to infringe the copyright;
- (5) In the case of a patent infringement claim, a designation of at least one claim of each patent alleged to be infringed or, in the case of a copyright infringement claim, a copy of each work alleged to be infringed;
- (6) As an alternative to paragraphs (iv) and (v) above, certification that the claimant has made a bona fide attempt to determine the item(s) or process(es) which is alleged to infringe the patent(s), or the act(s) alleged to infringe the

copyright(s), but was unable to do so, giving reasons, and stating a reasonable basis for the claimant's belief that the patent(s) or copyrighted item(s) is being infringed.

(b) *Additional Information for Patent Infringement Claims.* In addition to the information listed in paragraph, (a) of this section the following material and information is generally necessary in the course of processing a claim of patent infringement. Claimants are encouraged to furnish this information at the time of filing a claim to permit expeditious processing and resolution of the claim.

(1) A copy of the asserted patent(s) and identification of all claims of the patent(s) alleged to be infringed.

(2) Identification of all procurements known to claimant which involve the accused item(s) or process(es), including the identity of the vendor(s) or contractor(s) and the Government acquisition activity or activities.

(3) A detailed identification and description of the accused article(s) or process(es), particularly where the article(s) or process(es) relates to a component(s) or subcomponent(s) of the item acquired, and an element-by-element comparison of a representative claim(s) with the accused article(s) or process(es). If available, the identification and description should include documentation and drawings to illustrate the accused article(s) or process(es) in sufficient detail to enable verification of readability of the claim(s) of the asserted patent(s) on the accused article(s) or process(es).

(4) Names and addresses of all past and present licensees under the patent(s), and copies of all license agreements and releases involving the patent(s).

(5) A brief description of all litigation in which the patent(s) has been or is now involved, and the present status thereof.

(6) A list of all persons to whom notices of infringement have been sent, including all departments and agencies of the Government, and a statement of the status or ultimate disposition of each.

(7) A description of Government employment or military service, if any, by the inventor(s) and/or patent owner.

(8) A list of all contracts between the Government and inventor(s), patent owner, or anyone in privity therewith which were in effect at the time of conception and/or actual reduction to practice of the invention(s) covered by the patent(s).

(9) Evidence of title to the asserted patent(s) or other right to make the claim.

(10) A copy of the Patent Office file of each patent if available to claimant.

(11) Pertinent prior art of which the claimant has become aware after issuance of the asserted patent(s).

In addition to the foregoing, if claimant can provide a statement that the investigation may be limited to the specifically identified accused article(s) or process(es), or to a specific acquisition (e.g. identified contract(s)), it may materially expedite disposition of the claim.

(c) *Denial for Refusal to Provide Information.* In the course of investigating a claim, it may become necessary for the Department of Energy to request information in the control and custody of claimant which is relevant to the disposition of the claim. Failure of the claimant to respond to a request for such information may alone be sufficient reason for denying a claim.

§ 782.6 Processing of Administrative Claims.

(a) *Filing and Forwarding of Claims.* All communications regarding claims should be addressed to: Assistant General Counsel for Patents, Office of the General Counsel, U.S. Department of Energy, Washington, D.C. 20545.

If any communication relating to a claim or possible claim of patent or copyright infringement is received by an agency, organization, office or field establishment within the Department of Energy, it should be forwarded to the Assistant General Counsel for Patents.

(b) *Disposition and Notification.* The Assistant General Counsel for Patents shall investigate and administratively settle, deny or otherwise dispose of each claim by denial or settlement. When a claim is denied, the Department shall so notify the claimant or his authorized representative and provide the claimant the reasons for denying the claim. Disclosure of information shall be subject to applicable statutes, regulations, and directives pertaining to security, access to official records, and the rights of others.

§ 782.7 Incomplete Notice of Infringement.

(a) If a communication alleging patent or copyright infringement is received which does not meet the requirements set forth in § 782.5, the sender shall be advised in writing by the Assistant General Counsel for Patents:

(1) That his claim for infringement has not been satisfactorily presented; and

(2) Of the elements considered necessary to establish a claim.

(b) A communication, such as a mere proffer of a license in which no

infringement is alleged in accordance with § 782.5(a) shall not be considered as a claim for infringement.

§ 782.8 Indirect Notice of Infringement.

A communication by a patent or copyright owner to addressees other than as specified in § 782.5(a), such as Department of Energy contractors including contractors operating government-owned facilities, alleging that acts of infringement have occurred in the performance of a Government contract, grant, or other arrangement, shall not be considered a claim within the meaning of § 782.5 until it meets the requirements specified therein.

[FR Doc. 79-21431 Filed 7-10-79; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL TRADE COMMISSION

[16 CFR Part 423]

Care Labeling of Textile Products and Leather Wearing Apparel; Oral Presentation Before Commission

AGENCY: Federal Trade Commission.

ACTION: Notice identifying subjects for discussion at oral presentation.

SUMMARY: On July 2, 1979, the Federal Trade Commission announced that oral presentations will be held before the Commission on the proposed revisions to its trade regulation rule relating to the care labeling of textile products and leather wearing apparel (44 FR 38570). The ten designated group representatives in this proceeding have been invited to the oral presentation meeting, which will be held on July 18, 1979. In addition, the Commission's notice invited other participants to submit requests to make oral presentations.

DATE: Oral presentation begins at 1 p.m. on July 18, 1979 at an open Commission meeting.

ADDRESS: Federal Trade Commission Building, Room 432, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: John F. LeFevre, Attorney, Room 528-A, Indiana Building, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1175.

SUPPLEMENTARY INFORMATION: This notice sets forth questions of concern to the Commission that participants at the oral presentation may wish to address. The list of questions is not intended to be exhaustive, and oral presentations need not be confined to these issues. However, all presentations must be

confined to information in the rulemaking record.

The questions are as follows:

1. Is the record evidence sufficient to show that current care labels for wearing apparel and piece goods are confusing, incomplete, or inaccurate?

(a) For example, how reliable are the surveys that suggest that current care labels are confusing, incomplete, or inaccurate? Were the survey questions specific enough to elicit meaningful responses? Were the sampling techniques reliable? Do the surveys indicate how many covered products bear confusing, incomplete, or inaccurate care labels? How much weight should the Commission accord these surveys?

(b) Does other evidence, such as testimony by consumers, industry members, and home economics experts, demonstrate that current care labels are confusing, incomplete, or inaccurate? How prevalent are these problems, in light of the testimony? How much weight should the Commission accord such evidence?

2. Is the record evidence sufficient to show that confusing, incomplete, or inaccurate care labels are causing economic loss to consumers? Does the evidence demonstrate that consumer losses are caused by inadequate labels, or could other factors account for these consumer losses? For example, does any of the evidence of consumer injury relate to inadequate labels that were encountered before the current rule was issued? Are any of the instances of consumer injury attributable to consumer errors in applying adequate instructions?

3. Given the current requirement for care labels on wearing apparel and piece goods, why are market incentives insufficient to ensure that these care labels are complete and accurate? If many products are inadequately labeled, would not consumers who suffer economic injury demand restitution from retailers? Would not these retailers, in turn, exert pressure on the manufacturers to supply adequate care instructions?

4. Would the issuance of more explicit interpretative guidelines under the existing rule obviate the need for an amendment insofar as wearing apparel is concerned?

5. Since there is no reasonable basis provision in the current rule, what kind of showing would be required in an enforcement proceeding where the Commission is challenging the accuracy or completeness of a label?

6. If the Commission adopts the revised rule, how much assistance

should it expect from trade associations and industry members in enforcing the rule?

As noted above, this list is not exhaustive, and participants in the oral presentation are not limited to the foregoing questions. However, the Commission encourages participants to address these issues, because they go to the need for any revisions to the current rule on care labeling.

Issued: July 5, 1979.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 79-21400 Filed 7-10-79; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1019]

Procedures for Export of Noncomplying Products; Proposed Notification Requirements; Extension of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time for submission of comments.

SUMMARY: The Commission extends the time during which it will accept comments on the proposed notification requirements for the export of noncomplying products. The additional time will make it easier for foreign firms, which may be affected by the proposal, to submit comments.

DATES: Comments are now due no later than September 10, 1979.

ADDRESSES: Written comments and any accompanying materials should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments received will be available for public inspection in the Office of the Secretary, 3rd floor, 1111 18th Street, N.W., Washington, D.C. during working hours, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Allen F. Brauning, Attorney, Division of Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6629.

SUPPLEMENTARY INFORMATION:

On May 11, 1979 the Commission published for public comment proposed notification requirements concerning procedures for export of noncomplying products (44 FR 27685-90). The procedures would implement legislation that requires any person or firm

intending to export from the United States any product which does not comply with an applicable Commission standard, ban, or regulation to notify the Commission at least 30 days before the proposed exportation and to furnish certain information to the Commission. The Commission must then notify the foreign government.

The comment period on the proposed procedures would have expired on July 10, 1979. The Outdoor Power Equipment Institute and The Toro Company, in separate letters, have recently requested a 60-day extension of the comment period. Both cited the desirability of receiving comments from overseas firms with which they do business. In addition, both cited timing difficulties associated with preparing these comments by July 10, the original deadline for comments.

The proposed export notification procedures will affect foreign and domestic firms and the Commission would like to receive comments from all affected firms. In order to allow sufficient time for foreign firms to comment, the Commission has extended the comment period, as requested.

As noted in the preamble to the May 11 proposed regulation, the export amendments became law on November 10, 1978. Therefore, any person or firm intending to export any of the noncomplying products described in the statute is currently required (in the absence of final regulations) to provide the following information to the Commission at least 30 days before exporting the goods: the anticipated date of shipment; the country and port of destination; and the quantity of goods to be shipped. In the May 11 document, the Commission discussed other policies that will be in effect pending issuance of final export notification regulations. The Commission's Associate Executive Director for Compliance and Enforcement will receive notifications of intent to export and requests for reductions of time for filing notice of intent to export. (His address is: Consumer Product Safety Commission, Washington, D.C. 20207.) He will decide such requests and he will notify foreign governments of exports of noncomplying products in accordance with the export amendments.

In addition, pending the issuance of final regulations, the Commission, as a matter of policy, will not enforce the notification requirements of the export amendments for certain categories of products. These are fully described in the May 11 document.

Dated: July 6, 1979.

Sadye E. Durin,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-21378 Filed 7-10-79; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 35]

[Docket No., RM 79-58]

Research, Development, and Demonstration Expenses Relating to Rate Schedules Filed by Electric Utilities

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is proposing to amend its Regulations under the Federal Power Act (18 CFR Part 35) by adding a new § 35.26. The new section provides that certain research, development, and demonstration contributions may not be charged to the utilities' wholesale electric customers as part of initial rate schedules filed under § 35.12 or as part of changes in rate schedules filed under § 35.13.

COMMENT DATE: August 8, 1979.

ADDRESSES: All filings should reference Docket No. RM79-58 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Luis S. Konski, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. (202) 275-4227.
Bonnie Cord, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, (202) 275-4285.

SUPPLEMENTARY INFORMATION:

Issued July 5, 1979.

The Federal Energy Regulatory Commission (Commission) is proposing to add a new section to its regulations relating to wholesale electric rate schedules filed with the Commission pursuant to section 205 of the Federal Power Act (18 CFR Part 35). The new section would provide that contributions paid by electric utilities to research development, and demonstration organizations or activities may not be included in wholesale cost of service filings for ratemaking purposes if: (1)

The contributions are made by the utility on a voluntary basis; (2) the contributions are made on the basis of the contributor's retail sales; and (3) wholesale customers may make contributions on the basis of their own retail sales to these research, development, and demonstration efforts.

A. Background

Section 35.13 sets forth the filing requirements for changes in rate schedules required to be on file with the Commission under section 205 of the Federal Power Act (Act). Similarly, § 35.12 sets forth the filing requirements for initial rate schedules required to be on file with the Commission also under section 205 of the Act. Included in the information to be submitted under § 35.13 are the utility's costs in providing service to its customers. This information may also be submitted under § 35.12. These costs, if proper, may be reflected in the utility's charges for services and thus may be recovered from the utility's customers. One of the items that may be included in the cost of providing service under both § 35.13 and § 35.12 is contributions made by the utility to research, development, and demonstration (RD&D) efforts reasonably relating to the existing or future business of the utility.

The Commission, in the context of a rate proceeding, has determined that RD&D contributions by an electric utility to the Liquid Metal Fast Breeder Reactor (LMFBR) program should not be charged to the utility's wholesale customers. *Carolina Power & Light Company*, Docket No. ER76-495 (Phase II), Initial Decision issued September 7, 1977, *affirmed in relevant part*, Opinion No. 19 issued August 2, 1978. The LMFBR program is an RD&D activity to which: (1) the utility contributes voluntarily; (2) the contributions are made on the basis of the contributor's retail sales; and (3) the wholesale customers could contribute independently based upon their own retail sales.

The Commission's decision in the *Carolina* proceeding was based upon a desire to avoid imposing involuntary contributions on the wholesale customers where the customers could make independent contributions and to avoid discouraging the customers' independent contributions by virtue of subjecting them to a double contribution. The purpose of the proposed rulemaking is to apply the *Carolina* principle to other RD&D programs which are similar to the LMFBR program in all material respects; that is, the contributions are voluntary, are based upon the contributor's retail

sales, and may be made by wholesale customers independently. The Commission has no basis to believe that such similar RD&D programs should be distinguished from LMFBR in this respect.

Moreover, in addition to the rationale stated in the *Carolina* proceeding, the Commission believes that there are three additional reasons to prevent a utility from charging such RD&D contributions to its wholesale customers. First, substitution of the contribution in the utility's name for a contribution in the customer's name deprives the customer of participation in the decision as to how the contribution will be spent. Second, to the extent that the RD&D programs are worthwhile and contributions to them should be encouraged, substitution of a contribution based upon the utility's retail sales for a contribution based upon the customer's retail sales results in a reduction of the ultimate contribution to the RD&D program. Third, the Commission believes it to be an undue burden on its proceedings to inquire in every case as to which wholesale customers have contributed independently to particular RD&D programs, especially since past contributions, or lack of contributions, may not indicate whether such contributions will be made in the future.

Accordingly, the proposed regulation prevents a utility from including in its cost of service filing, and thus charging to its customers, any contribution to a research, development, and demonstration organization or activity which is voluntary, is based upon retail sales, and can be made independently by the utility's customers.

B. Summary of The Proposed Regulation

Paragraph (a) of proposed § 35.26 sets forth the general rule governing RD&D expenses as they relate to cost of service items under Part 35. Subparagraph (1) provides that an electric utility filing under § 35.13 or § 35.12 may not include in its cost of service filings, as a cost of service item, contributions to research, development, and demonstration activities or organizations: (1) which are made voluntarily by the electric utility; (2) which are made by the utility on the basis of its retail sales; and (3) to which the wholesaler customer may voluntarily contribute on the basis of its own retail sales. Subparagraph (2) of paragraph (a) provides that any party to a proceeding before the Commission involving a filing under Part 35 shall not include in its calculations of RD&D expenses, relating to cost of service, any

contributions specified in subparagraph (1) (i) through (iii).

Paragraph (b) contains the definitions of RD&D expenses, organizations and activities. It should be noted that the proposed regulation uses the term "research, development, and demonstration," rather than "research and development" as used in the case cited above, in order to be consistent with the contemporary industry usage, § 35.22 of this part, and Part 101 of this subchapter (Commission's Uniform System of Accounts).

Subparagraph (1) of paragraph (b) defines "RD&D expenses" in accordance with the definition of research, development, and demonstration expenditures set out in the Commission's Uniform System of Accounts (18 CFR Part 101 [Definition 27B]). In Definition 27B, RD&D expenditures are broadly defined as expenses incurred by public utilities, directly or indirectly, in pursuing research, development, and demonstration activities including, but not limited to, experiment, design, installation, construction or operation. Subparagraph (2) defines an "RD&D organization" as a research institute, industry association, foundation, university, engineering company or contractor that pursues research, development, and demonstration activities. Subparagraph (3) describes "RD&D activities" as research, development, and demonstration activities relating to the existing or future electric utility business or the environment in which the business operates.

C. Public Comment Procedures

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 8, 1979.

Each person submitting a comment should include his or her name and address, identify the notice (Docket No. RM79-58) and give reasons for any recommendations. An original and 14 conformed copies should be filed with the Secretary of the Commission. Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North

Capitol Street, N.E., Washington, D.C. 20426, during regular business hours.

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

In consideration of the foregoing, the Commission proposes to amend Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.
Kenneth F. Plumb,
Secretary.

PART 35—FILING OF RATE SCHEDULES

1. Part 35, Subchapter B, Chapter I, of Title 18, Code of Federal Regulations, is amended in the table of contents by adding in the appropriate numerical order a new section number and heading to read as follows:

* * * * *
35.26 Research, development and demonstration expenses.
* * * * *

2. Part 35, Subchapter B, Chapter I, of Title 18, Code of Federal Regulations is amended by adding a new § 35.26 to read as follows:

§ 35.26 Research, development and demonstration expenses.

(a) *General Rule.* Research, demonstration, and development expenses relating to cost of service shall be treated in accordance the following rules.

(1) *Electric utilities.* An electric utility which files for a change in rate schedule under § 35.13 of this part, or which files an initial rate schedule under § 35.12 of this part, shall not include in its filing as a cost of service, any RD&D expenses representing contributions to an RD&D organization or activity if:

- (i) The contributions are voluntarily made by the utility to the RD&D organization or activity;
- (ii) The contributions are made by the utility on the basis of its retail sales; and
- (iii) Independent contributions may be made by the utility's wholesale electric customer or customers to the RD&D organization or activity on the basis of the customer's or customers' own electric retail sales.

(2) *Other parties.* Any party to any proceeding before the Commission involving a filing under Part 35 shall not include in its calculations of RD&D expenses relating to cost of service, contributions specified in paragraphs (a)(1)(i) through (iii) of this section.

(b) *Definitions.* For purposes of this section the following definitions apply.

(1) "RD&D expenses" means "research, development, and demonstration expenditures" as defined in the Commission's Uniform System of Accounts, Definition 27B (18 CFR Part 101).

(2) An "RD&D organization" means a research, development, and demonstration organization (including a research institute, industry association, foundation, university, engineering company or similar contractor), the purpose of which is to pursue RD&D activities.

(3) "RD&D activity" means a research, development, and demonstration activity (including experiment, design, installation, construction or operation), reasonably relating to the existing or future electric public utility business or the environment in which the business operates.

[FR Doc. 79-21422 Filed 7-10-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

Federal Old-Age, Survivors, and Disability Insurance; Quarters of Coverage and Insured Status

AGENCY: Social Security Administration, HEW.

ACTION: Proposed rule.

SUMMARY: The Department of Health, Education, and Welfare (HEW) is revising its regulations to make them clearer and easier for the public to use. As part of this effort, we are proposing a complete revision of Subpart B of 20 CFR Part 404. Subpart B contains the rules for determining quarters of coverage (QC's) and insured status of a worker when a person claims old-age, disability, dependents, or survivors benefits under title II of the Social Security Act. We have completely reorganized these regulations and rewritten the rules in simpler, briefer language. We have not changed the substance of our current rules, but have removed outdated and rarely used provisions.

DATES: Your comments will be considered if we receive them no later than September 10, 1979.

ADDRESSES: Send your written comments to the Commissioner of Social Security, Department of Health,

Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 1169, 330 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

John W. Modler, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301-594-7337).

SUPPLEMENTARY INFORMATION: We are rewriting this subpart as part of HEW's "Operation Common Sense", a Department-wide effort to review, simplify, and reduce HEW's regulations. This subpart is important because insured status is a basic factor in determining if benefits are payable to a worker or to others based on that worker's earnings record.

Added Provision

We have included in proposed § 404.120(d)(2), on crediting QC's for fully insured status based on wages paid before 1951, a provision to reflect the amendment made to section 215(d)(1)(C) of the Social Security Act by section 142(b) of Pub. L. 92-603, enacted October 30, 1972. The amendment provides that total wages before 1951 include wages considered paid to a person before 1951 under section 231 of the Act (relating to benefits in case of certain persons interned in the United States during World War II). These wage credits may affect a person's current eligibility or benefit amount.

Deleted Provisions

Current § 404.103(d)(1)(x) contains conditions about crediting QC's based on wages paid in a year before 1951 equal to \$3,000. We are removing these conditions since they were taken out by the Social Security Amendments of 1960 (section 206 of Pub. L. 86-778) and no longer apply.

Current § 404.113a concerns transitional insured status and applies only to certain claimants who have attained age 72 before 1969 and are not fully insured. We are removing this section from the regulations because we rarely use it, but we will apply this provision in appropriate cases.

Current § 404.115(b)(1) tells when disability insured status must be met for disability insurance benefits payable for

months before January 1973. We are removing this provision because it is outdated.

Current §§ 404.115(b)(2)(ii), 404.116(b)(3)(ii), and 404.116(d)(3)(ii) set out the conditions under which an application for a period of disability or disability insurance benefits filed before October 1972 is treated in the same way as an application filed after September 1972 for applying certain rules dealing with disability insured status. We are removing these provisions because they are outdated.

Current § 404.120(a) permits us to grant QC's based on a worker's railroad compensation for purposes of establishing a period of disability even though that compensation may not be used for other purposes under title II of the Social Security Act. The authority for this provision was contained in section 5(k)(1) of the Railroad Retirement Act (RRA) of 1937, but was deleted by the RRA of 1974 (section 18 of Pub. L. 93-445). We have contacted the Railroad Retirement Board about a technical amendment to the RRA that would reinstate the deleted material. Until this material is reinstated, however, the provision in § 404.120(a) no longer applies; therefore, we are removing it.

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; and 13.805 Social Security—survivors Insurance)

Dated: June 1, 1979.

Robert P. Bynum,

Acting Commissioner of Social Security.

Approved: June 30 1979.

Hale Champion,

Acting Secretary of Health, Education, and Welfare.

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart B of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart B—Quarters of Coverage and Insured Status

General

Sec.

- 404.101 Introduction.
- 404.102 Definitions.

Quarters of Coverage

- 404.109 Quarters of coverage.
- 404.110 Quarters of coverage for calendar years before 1978.
- 404.111 Crediting self-employment income to calendar quarters for taxable years beginning before 1978.

404.112 Quarters of coverage for calendar years after 1977.

404.113 Crediting self-employment income to calendar years for taxable years beginning after 1977.

404.114 When a quarter of coverage is acquired.

404.115 When a calendar quarter cannot be a quarter of coverage.

Insured Status

404.120 Determining fully insured status.

404.121 Table for determining quarters of coverage for fully insured status.

404.122 Fully insured status based on World War II active military or naval service.

404.123 Determining currently insured status.

404.125 Determining disability insured status.

404.126 When disability insured status must be met.

404.127 Fully insured status requirement for a period of disability or disability insurance benefits.

404.128 Quarters of coverage based on military service to establish a period of disability.

Authority: Secs. 205, 212, 213, 214, 216, 217, 223, and 1102 of the Social Security Act, 53 Stat. 1368, 64 Stat. 504 and 505, 68 Stat. 1081, 70 Stat. 815, and 49 Stat. 647; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 631; (42 U.S.C. 405, 412, 413, 414, 416, 417, 423, and 1302; 5 U.S.C. Appendix).

Subpart B—Quarters of Coverage and Insured Status

General

§ 404.101 Introduction.

(a) *Quarters of coverage.* This subpart sets out our rules on crediting you with quarters of coverage (QC's). In general, you are credited with QC's based on the wages you are paid and the self-employment income you derive during certain periods. (See Subpart K of this part for a definition of "wages" and "self-employment income"). Quarters of coverage are used in determining insured status. Our rules on how and when you acquire a QC are contained in §§ 404.109-404.115.

(b) *Insured status.* This subpart also sets out the requirements you must meet to be fully insured, currently insured, or insured for disability. The insured status of a worker is a basic factor in determining if he or she is entitled to old-age or disability insurance benefits or to a period of disability. It is also a basic factor in determining if dependents' or survivors' insurance benefits or a lump-sum death payment are payable based on the worker's earnings record. (Subpart D of this part describes these benefits and the type of insured status required for each.) Whether you have the required insured status depends on the number of QC's

you have acquired. If you are neither fully nor currently insured, no benefits are payable on your earnings record. In §§ 404.120-404.123 we tell how we determine if you are fully or currently insured. The rules for determining if you are insured for purposes of establishing a period of disability or entitlement to disability insurance benefits are contained in §§ 404.125-404.128.

§ 404.102 Definitions.

For the purpose of this subpart—
"Act" means the Social Security Act, as amended.

"Attain an age" means you reach a required age (for example, age 62). You reach an age on the day before your birthday. For example, if you were 62 years old on July 30, 1978, you attained age 62 on July 29, 1978.

"Quarter" or "calendar quarter" means a period of three calendar months ending March 31, June 30, September 30, or December 31 of any year.

"We," "our," or "us" means the Social Security Administration.

"You" or "your" means the person whose quarters of coverage are counted to determine his or her insured status.

Quarters of Coverage

§ 404.109 Quarters of coverage.

(a) A quarter of coverage (QC) is the basic unit of social security coverage used in determining a worker's insured status. We credit you with QC's based on your earnings covered under social security. Before 1978, wages were generally reported on a quarterly basis and self-employment income was reported on an annual basis.

(b) For the most part, the crediting of QC's for calendar years before 1978 is based on quarterly earnings. For these years, as explained in § 404.110, we generally credit you with a QC for each calendar quarter in which you were paid at least \$50 in wages or were credited with at least \$100 of self-employment income. Section 404.111 tells how self-employment income derived in a taxable year beginning before 1978 is credited to specific calendar quarters for purposes of § 404.110.

(c) After 1977, both wages and self-employment income are generally reported on an annual basis. For calendar years after 1977, as explained in § 404.112, we generally credit you with a QC for each part of your total covered earnings in a calendar year that equals the amount required for a QC in that year. The required amounts for a QC for calendar years 1978 and 1979 are higher than the required amounts of \$50 and \$100 for a QC for calendar years

before 1978. These higher amounts reflect changes in earnings levels. Section 404.112 also tells how the amount required for a QC will be increased in the future as average wages increase. Section 404.113 tells how self-employment income derived in a taxable year beginning after 1977 is credited to specific calendar years for purposes of § 404.112.

(d) Section 404.114 tells when a QC is acquired and § 404.115 tells when a calendar quarter cannot be a QC. The rules in § 404.114 and § 404.115 apply when we credit QC's for calendar years before 1978 and for calendar years after 1977.

§ 404.110 Quarters of coverage for calendar years before 1978.

(a) *General.* The rules in this section tell how we credit calendar quarters as quarters of coverage (QC's) for calendar years before 1978. We credit you with a QC for a calendar quarter based on the amount of wages you were paid and self-employment income you derived during certain periods. The rules in paragraphs (b), (c), and (d) of this section are subject to the limitations in § 404.115, which tells when a calendar quarter cannot be a QC.

(b) *Quarters of coverage based on wages paid in, or self-employment income credited to, a calendar quarter.* We credit you with a QC for a calendar quarter in which—

(1) You were paid wages of \$50 or more (see paragraph (c) of this section for an exception relating to wages paid for agricultural labor); or

(2) You were credited (under § 404.111) with self-employment income of \$100 or more.

(c) *Quarters of coverage based on wages paid for agricultural labor in a calendar year after 1954.* (1) The crediting of QC's based on wages for agricultural labor depends on the amount of wages paid during a calendar year for that work. If you were paid wages for agricultural labor in a calendar year after 1954 and before 1978, we credit you with—

(i) A QC for each quarter of that year which is not otherwise a QC, if you were paid \$400 or more;

(ii) A QC for each of the last three quarters of that year which is not otherwise a QC, if you were paid \$300 or more but less than \$400;

(iii) A QC for each of the last two quarters of that year which is not otherwise a QC, if you were paid \$200 or more but less than \$300; or

(iv) A QC for the last quarter of that year which is not otherwise a QC, if you

were paid \$100 or more but less than \$200.

(2) When we assign QC's in a year as described in paragraph (c)(1) of this section, you might not meet (or might not meet as early in the year as otherwise possible) the requirements for a fully or currently insured status, for entitlement to a computation or recomputation of your primary insurance amount, or to establish a period of disability. If this happens, we assign the QC's to different quarters in that year than those specified in paragraph (c)(1) of this section if the reassignment permits you to meet these requirements (or meet them earlier in the year). We can only reassign QC's for purposes of meeting these requirements.

(d) *Quarters of coverage based on wages paid or self-employment income derived in a year.* (1) If you were paid wages in a calendar year after 1950 and before 1978 at least equal to the annual wage limitation in effect for that year as described in § 404.1027(a), we credit you with a QC for each quarter in that calendar year. If you were paid at least \$3,000 wages in a calendar year before 1951, we credit you with a QC for each quarter in that calendar year.

(2) If you derived self-employment income (or derived self-employment income and also were paid wages) during a taxable year beginning after 1950 and before 1978 at least equal to the self-employment income and wage limitation in effect for that year as described in § 404.1068(b), we credit you with a QC for each calendar quarter wholly or partly in that taxable year.

§ 404.111 Crediting self-employment income to calendar quarters for taxable years beginning before 1978.

In crediting quarters of coverage (QC's) under § 404.110(b)(2), we credit any self-employment income you derived during a taxable year that begins before 1978 to calendar quarters as follows:

(a) If your taxable year is a calendar year, we credit your self-employment income equally to each quarter of that calendar year.

(b) If your taxable year is not a calendar year (i.e., it begins on a date other than January 1, or is less than a calendar year), we credit your self-employment income equally—

(1) To the calendar quarter in which your taxable year ends; and

(2) To each of the next three or fewer preceding quarters that are wholly or partly in your taxable year.

§ 404.112 Quarters of coverage for calendar years after 1977.

(a) *Crediting quarters of coverage.* For calendar years after 1977, we credit you with a quarter of coverage (QC) for each part of the total wages paid and self-employment income credited (under § 404.113) to you in a calendar year that equals the amount required for a QC in that year. In crediting QC's under this section, we are subject to the limitations in § 404.115. In addition, we may not credit you with more than four QC's for any calendar year. The amount of wages and self-employment income that you must have for each QC is—

(1) \$250 for calendar year 1978;
 (2) \$260 for calendar year 1979; and
 (3) An amount determined by the Secretary (on the basis of a formula in section 213(d)(2) of the Act which reflects national increases in average wages) for each calendar year after 1979, and published in the **Federal Register** on or before November 1 of the preceding year.

(b) *Assigning quarters of coverage.* We assign a QC credited under paragraph (a) of this section to a specific calendar quarter in the calendar year only if the assignment is necessary to—

(1) Give you a fully or currently insured status;
 (2) Entitle you to a computation or recomputation of your primary insurance amount; or
 (3) Permit you to establish a period of disability.

§ 404.113 Crediting self-employment income to calendar years for taxable years beginning after 1977.

In crediting quarters of coverage (QC's) under § 404.112(a), we credit self-employment income you derive during a calendar year that begins after 1977 to taxable years as follows:

(a) If your taxable year is a calendar year or begins and ends within the same calendar year, we credit your self-employment income to that calendar year.

(b) If your taxable year begins in one calendar year and ends in the following calendar year, we allocate proportionately your self-employment income to the two calendar years on the basis of the number of months in each calendar year which are included completely within your taxable year. We consider the calendar month in which your taxable year ends as included completely within your taxable year.

Example. For the taxable year beginning June 1, 1978, and ending May 31, 1979, your self-employment income is \$1,200. We credit you with $\frac{1}{2}$ (\$700) of your self-employment

income for calendar year 1978 and $\frac{1}{2}$ (\$500) of your self-employment income for calendar year 1979.

§ 404.114 When a quarter of coverage is acquired.

If we credit you with a quarter of coverage (QC) for a calendar quarter under paragraph (b), (c), or (d) of § 404.110 for calendar years before 1978 or assign it to a specific calendar quarter under paragraph (b) of § 404.112 for calendar years after 1977, you acquire the QC as of the first day of the calendar quarter.

§ 404.115 When a calendar quarter cannot be a quarter of coverage.

This section applies when we credit you with quarters of coverage (QC's) under § 404.110 for calendar years before 1978 and under § 404.112 for calendar years after 1977. We cannot credit you with a QC for—

(a) A calendar quarter that has not begun;
 (b) A calendar quarter that begins after the quarter of your death;
 (c) A calendar quarter that has already been counted as a QC; or
 (d) A calendar quarter that is included in a period of disability established for you, unless—
 (1) The quarter is the first or the last quarter of this period; or
 (2) The period of disability is not taken into consideration (see § 404.312).

Insured Status**§ 404.120 Determining fully insured status.**

(a) *General.* We describe the basic rules for determining how many quarters of coverage (QC's) you need to be fully insured in paragraph (b) of this section. The table in § 404.121 may be used to determine the number of QC's needed to be fully insured under paragraph (b) of this section. We also consider certain World War II veterans to have died fully insured (see § 404.122).

(b) *Quarters of coverage needed to be fully insured.* (1) You need at least 6 QC's but not more than 40 QC's to be fully insured. A person who died before 1951 with at least 6 QC's is fully insured.

(2) You are fully insured for retirement benefits if you have one QC (whenever acquired) for each calendar year elapsing after 1950 or, if later, after the year in which you attained age 21, and before the year you attain retirement age, that is, before—

(i) The year you attain age 62, if you are a woman;
 (ii) The year you attain age 62, if you are a man who attains age 62 after 1974;
 (iii) The year 1975, if you are a man who attained age 62 in 1973 or 1974; or

(iv) The year you attained age 65, if you are a man who attained age 62 before 1973.

(3) An eligible survivor who files an application will be entitled to benefits on your earnings record if you died fully insured. You will have died fully insured if you had one QC (whenever acquired) for each calendar year elapsing after 1950 or, if later, after the year you attained age 21, and before the earlier of the following years:

(i) The year of your death; or
 (ii) The year you attained retirement age as shown in paragraph (b)(2) of this section.

(c) *How a period of disability affects the number of QC's you need.* In determining elapsed years under paragraph (b) of this section, we do not count as an elapsed year any year all or part of which is in a period of disability established for you.

(d) *Quarters of coverage for fully insured status based on wages paid before 1951—(1) General.* For purposes of paragraph (b) of this section, we may use the following rule in crediting QC's based on your wages before 1951 instead of the rule in § 404.110(b)(1). We may consider you to have one QC for each \$400 of your total wages before 1951, as defined in paragraph (d)(2) of this section, if—

(i) You have at least 7 elapsed years (see paragraph (b)(2) or (b)(3) of this section); and

(ii) We determine that you are fully insured based on the number of QC's determined under this paragraph plus the number of QC's credited to you for periods after 1950.

(2) *Total wages before 1951.* For purposes of paragraph (d)(1) of this section, total wages before 1951 include—

(i) Remuneration credited to you before 1951 on the records of the Secretary;

(ii) Wages considered paid to you before 1951 under section 217 of the Act (relating to benefits in case of veterans);

(iii) Compensation under the Railroad Retirement Act of 1937 before 1951 that can be credited to you under title II of the Act; and

(iv) Wages considered paid to you before 1951 under section 231 of the Act (relating to benefits in case of certain persons interned in the United States during World War II).

(e) *When fully insured status begins.* You are fully insured as of the first day of the calendar quarter in which you acquire the last needed QC (see § 404.114).

§ 404.121 Table for determining quarters of coverage for fully insured status.

(a) *General.* You may use the

following table to determine the number of quarters of coverage (QC's) you need to be fully insured under § 404.120.

Paragraphs (b) and (c) of this section tell you how to use this table.

Column I Date of Birth ¹	Column II ¹ QC's		Column III ² Year of death ³	Column IV ³ QC's	Column V ⁴ Age in year of death
	Men	Women			
Jan. 1, 1893 or earlier	6	6	1957 or earlier	6	28 or younger
Jan. 2, 1893 to Jan. 1, 1894	7	6	1958	7	29
Jan. 2, 1894 to Jan. 1, 1895	8	6	1959	8	30
Jan. 2, 1895 to Jan. 1, 1896	9	6	1960	9	31
Jan. 2, 1896 to Jan. 1, 1897	10	7	1961	10	32
Jan. 2, 1897 to Jan. 1, 1898	11	8	1962	11	33
Jan. 2, 1898 to Jan. 1, 1899	12	9	1963	12	34
Jan. 2, 1899 to Jan. 1, 1900	13	10	1964	13	35
Jan. 2, 1900 to Jan. 1, 1901	14	11	1965	14	36
Jan. 2, 1901 to Jan. 1, 1902	15	12	1966	15	37
Jan. 2, 1902 to Jan. 1, 1903	16	13	1967	16	38
Jan. 2, 1903 to Jan. 1, 1904	17	14	1968	17	39
Jan. 2, 1904 to Jan. 1, 1905	18	15	1969	18	40
Jan. 2, 1905 to Jan. 1, 1906	19	16	1970	19	41
Jan. 2, 1906 to Jan. 1, 1907	20	17	1971	20	42
Jan. 2, 1907 to Jan. 1, 1908	21	18	1972	21	43
Jan. 2, 1908 to Jan. 1, 1909	22	19	1973	22	44
Jan. 2, 1909 to Jan. 1, 1910	23	20	1974	23	45
Jan. 2, 1910 to Jan. 1, 1911	24	21	1975	24	46
Jan. 2, 1911 to Jan. 1, 1912	24	22	1976	25	47
Jan. 2, 1912 to Jan. 1, 1913	24	23	1977	26	48
Jan. 2, 1913 to Jan. 1, 1914	24	24	1978	27	49
Jan. 2, 1914 to Jan. 1, 1915	25	25	1979	28	50
Jan. 2, 1915 to Jan. 1, 1916	26	26	1980	29	51
Jan. 2, 1916 to Jan. 1, 1917	27	27	1981	30	52
Jan. 2, 1917 to Jan. 1, 1918	28	28	1982	31	53
Jan. 2, 1918 to Jan. 1, 1919	29	29	1983	32	54
Jan. 2, 1919 to Jan. 1, 1920	30	30	1984	33	55
Jan. 2, 1920 to Jan. 1, 1921	31	31	1985	34	56
Jan. 2, 1921 to Jan. 1, 1922	32	32	1986	35	57
Jan. 2, 1922 to Jan. 1, 1923	33	33	1987	36	58
Jan. 2, 1923 to Jan. 1, 1924	34	34	1988	37	59
Jan. 2, 1924 to Jan. 1, 1925	35	35	1989	38	60
Jan. 2, 1925 to Jan. 1, 1926	36	36	1990	39	61
Jan. 2, 1926 to Jan. 1, 1927	37	37	1991 or later	40	62
Jan. 2, 1927 to Jan. 1, 1928	38	38			
Jan. 2, 1928 to Jan. 1, 1929	39	39			
Jan. 2, 1929 or later	40	40			

¹Number of QC's required for fully insured status; living worker or worker who dies after reaching retirement age.

²Worker born before Jan. 2, 1930 who dies before reaching retirement age.

³Number of QC's required for fully insured status.

⁴Worker born Jan. 2, 1930 or later, who dies before reaching retirement age.

⁵Worker who reaches retirement age as described in § 404.120(b)(2).

⁶Worker who dies before reaching retirement age as described in § 404.120(b)(2).

(b) Required quarters of coverage.

The QC's you need for a fully insured status are in column II opposite your date of birth in column I. If a worker dies before attaining retirement age as described in § 404.120(b)(2), the QC's needed for a fully insured status are shown in column IV opposite—

(1) The year of death in column III, if the worker was born before January 2, 1930; or

(2) The age in the year of death in column V, if the worker was born after January 1, 1930.

(c) Period of disability not counted. If you had a period of disability established for you, it affects the number of QC's you need to be fully insured (see § 404.120(c)). In determining if you are fully insured, reduce by one the number of QC's determined under paragraph (b) of this section for each year all or part of which is in your

period of disability.

§ 404.122 Fully insured status based on World War II active military or naval service.

We consider a person, not otherwise fully insured, to have died fully insured if—

(a) The person was in the active military or naval service of the United States during World War II;

(b) The person died within three years after separation from service and before July 27, 1954; and

(c) The conditions in §§ 404.1315 and 404.1316 that permit us to consider the person fully insured are met.

§ 404.123 Determining currently insured status.

(a) *Period for determining currently insured status.* You are currently insured if you have at least 6 quarters of

coverage (QC's) during the 13-quarter period ending with the quarter in which you—

(1) Die;

(2) Most recently became entitled to disability insurance benefits; or

(3) Became entitled to old-age insurance benefits.

(b) *Quarters not counted as part of the 13-quarter period.* We do not count as part of the 13-quarter period any quarter all or part of which is included in a period of disability established for you, except that the first and last quarters of the period of disability may be counted if they are QC's (see § 404.115(d)).

§ 404.125 Determining disability insured status.

(a) *General.* We have three different rules for determining if you are insured for purposes of establishing a period of disability or entitlement to disability

insurance benefits. To have disability insured status under any of these rules, you must be fully insured (see § 404.127 which tells when the period for determining the number of quarters of coverage (QC's) you need for a fully insured status ends).

(b) *Rule I—20/40 requirement.* You are insured in a quarter for purposes of establishing a period of disability or entitlement to disability insurance benefits if in that quarter—

(1) You are fully insured; and

(2) You have at least 20 QC's in the 40-quarter period (see paragraph (e) of this section) ending with that quarter.

(c) *Rule II—disabled before age 31.* You are insured in a quarter for purposes of establishing a period of disability or entitlement to disability insurance benefits if in that quarter—

(1) You have not attained (or would not attain) age 31;

(2) You are fully insured; and

(3) You have QC's in at least one-half of the quarters during the period ending with that quarter and beginning with the quarter after the quarter you attained age 21; however—

(i) If the number of quarters during this period is an odd number, we reduce the number by one; and

(ii) If the period has less than 12 quarters, you must have at least 6 QC's in the 12-quarter period ending with that quarter.

(d) *Rule III—statutory blindness.* You are insured in a quarter for purposes of establishing a period of disability or entitlement to disability insurance benefits if in that quarter—

(1) You are disabled by blindness as defined in § 404.1501(b)(1)(ii); and

(2) You are fully insured.

(e) *Determining 40-quarter or other period.* In determining the 40-quarter or other period in paragraph (b) or (c) of this section, we do not count any quarter all or part of which is in a prior period of disability established for you, unless the quarter is the first or last quarter of this period and the quarter is a QC.

§ 404.126 When disability insured status must be met.

(a) *Period of disability.* To establish a period of disability, you must have disability insured status in the quarter in which you become disabled or in a later quarter in which you are disabled.

(b) *Disability insurance benefits.* (1) To become entitled to disability insurance benefits, you must have disability insured status in the first full month that you are disabled as described in § 404.1501(a), or if later—

(i) The 17th month (if you have to serve a waiting period described in § 404.308) before the month in which you file an application for disability insurance benefits; or

(ii) The 12th month (if you do not have to serve a waiting period) before the month in which you file an application for disability insurance benefits.

(2) If you do not have disability insured status in a month specified in paragraph (b)(1) of this section, you will be insured for disability insurance benefits beginning with the first month after that month in which you do meet the insured status requirement and you also meet all other requirements for disability insurance benefits described in § 404.306.

§ 404.127 Fully insured status requirement for a period of disability or disability insurance benefits.

In determining if you are fully insured for purposes of paragraph (b), (c), or (d) of § 404.125 on disability insured status, we use the fully insured status requirements in § 404.120, but apply the following rules in determining when the period of elapsed years ends:

(a) If you are a woman, or a man born after January 1, 1913, the period of elapsed years in § 404.120(b) used in determining the number of quarters of coverage (QC's) you need to be fully insured ends as of the earlier of—

(1) The year you attain age 62; or

(2) The year in which—

(i) Your period of disability begins;

(ii) Your waiting period begins; or

(iii) Your entitlement to disability insurance benefits begins (if you do not have to serve a waiting period).

(b) If you are a man born before January 2, 1913, the period of elapsed years in § 404.120(b) used in determining the number of QC's you need to be fully insured ends as of the earlier of—

(1) The year 1975; or

(2) The year specified in paragraph

(a)(2) of this section.

§ 404.128 Quarters of coverage based on military service to establish a period of disability.

For purposes of establishing a period of disability only, we give you quarters of coverage for your military service before 1957 (see Subpart N of this part), even though we may not use that military service for other purposes of title II of the Act because a periodic benefit is payable from another Federal agency based in whole or in part on the same period of military service.

[FR Doc. 79-21382 Filed 7-10-79; 8:45 am]

BILLING CODE 4110-07-M

[20 CFR Parts 404 and 416]

Social Security; Amount of Benefits Reporting Requirements Interim Assistance Provisions; Agreements; Payments

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: HEW plans to rewrite and reorganize several subparts of the regulations under titles II and XVI of the Social Security Act. The objectives are: (1) To comply with Executive Order 12044 and to meet the Department's "Operation Common Sense" standards by making the regulations clearer and easier to understand; (2) to remove obsolete and rarely used provisions; and (3) as appropriate, to examine the policies included in the regulations and consider additions, revisions, and clarifications. The revised subparts will be published with Notice of Proposed Rulemaking. The regulations presently being rewritten are:

(1) 20 CFR Part 404, Subpart E

This subpart contains the rules we use for making deductions from benefits, reducing benefits and for not paying benefits in the Old-Age, Survivors' and Disability Insurance Programs.

(2) 20 CFR Part 416, Subpart D

The rules in this subpart describe how we determine the amount of monthly benefits payable to an eligible individual and eligible couple under the supplemental Security Income Program.

(3) 20 CFR Part 416, Subpart G

This subpart describes what events, such as an increase or decrease in income or a change in living arrangements, an eligible individual and eligible spouse under the Supplemental Security Income Program must report to us and the time period for reporting. In addition, this subpart describes the penalties we impose for failure to report and failure to report in a timely manner.

(4) 20 CFR Part 416, Subpart S

This subpart explains that we may enter into an agreement with a State whereby we reimburse the State (or a political subdivision of the State) for interim assistance payments it makes to an individual who files an application and is eligible for supplemental security income benefits. This subpart also describes beneficiary authorization to withhold supplemental security income benefits to reimburse the State for interim assistance.

HEW has classified the recodification of these regulations as "policy significant".

FOR FURTHER INFORMATION CONTACT: Charles Rollins, Room 4234 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6666.

Dated: June 12, 1979.

Stanford G. Ross,

Commissioner of Social Security.

[FR Doc. 79-21380 Filed 7-10-79; 8:45 am]

BILLING CODE 4110-07-M

[20 CFR Parts 404 and 416]

[Regs. No. 4, 16]

Federal Old-Age, Survivors, and Disability Insurance Benefits, Supplemental Security Income for the Aged, Blind, and Disabled; Determining Disability and Blindness

Correction

In FR Doc. 79-20415 appearing in the issue of Tuesday, July 3, 1979, the comment closing date given both in the first column of page 38880 and in the middle column of page 38883 as "August 2, 1979" should have read "September 4, 1979".

BILLING CODE 1505-01

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 146]

[FRL 1269-4]

Reproposed Underground Injection Control Regulations

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule; Notice of Extension of Public Comment Period.

SUMMARY: This notice extends the period for comments to the notice published April 20, 1979 (44 FR 23738) proposing State Underground Injection Control Regulations pursuant to Part C of the Safe Drinking Water Act (Pub. L. 93-523, 42 U.S.C. 300h).

DATE: The comment period has been extended to September 12, 1979. This extension is intended to coincide with the comment period provided for the proposed Consolidated Permit Regulations 40 CFR 122, 123, and 124 published June 14, 1979 (44 FR 34244).

FOR FURTHER INFORMATION CONTACT: Thomas E. Belk, Environmental Protection Agency, Office of Drinking Water (WH-550), 401 M Street S.W.,

Washington, D.C. 20460. Telephone: 202-426-8290.

Thomas C. Jorling,

Assistant Administrator for Water and Waste Management.

July 5, 1979.

[FR Doc. 79-21311 Filed 7-10-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR PART 73]

[BC Docket No. 79-168; FCC 79-412]

Eliminating Objectionable Loudness of Commercial Announcements and Commercial Continuity over AM, FM and Television Broadcast Stations

Adopted: July 5, 1979.

Released: July 9, 1979.

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry.

SUMMARY: The Commission, on its own motion, proposes a Notice of Inquiry concerning loud commercials. The purpose of this Notice of Inquiry is to solicit comments and information from the public regarding current developments in measuring loudness, their application to broadcasting and the formulation of standards and methods of control.

DATES: Comments must be filed on or before December 15, 1979, and reply comments on or before February 15, 1980.

ADDRESSES: Federal Communications Commission, Washington, D. C. 20554.

FOR FURTHER INFORMATION CONTACT: Bill Hassinger, Field Operations Bureau, (202) 632-7014.

SUPPLEMENTARY INFORMATION: A report by the Field Operations Bureau entitled "Evaluating Loud Commercials: An Experimental Approach," FCC/FOB 78-01, was released in February 1978, and may be ordered from the Downtown Copy Center, 1730 K Street, N.W., Washington, D.C. 20006, (202) 452-1422. A copy of the report has been placed in the public docket for inclusion in this proceeding.

1. *Purpose.* For many years, the Commission has been receiving complaints that television commercials are too loud. The purpose of this Notice of Inquiry is to solicit comments and information from the public and other interested parties, regarding current developments in measuring loudness, their application to broadcasting and the

formulation of standards and methods of control.

2. *Background.* Prior to 1962, complaints concerning loud commercials were treated as simple technical problems. The complex nature of loudness was not fully appreciated and investigators concentrated on measuring basic transmission characteristics such as power and modulation. Insofar as finding the causes of loudness was concerned, their efforts proved fruitless. They did not discover any evidence showing that stations were deliberately manipulating their radio signals to emphasize commercial messages.

3. In 1962, the Commission issued a Notice of Inquiry into the causes and cures of annoying or objectionably loud commercials. Unfortunately, this effort was severely handicapped by the absence of any equipment suitable for measuring the loudness of complex sounds. Everyone recognized that there was a problem but no one could isolate it or suggest means for controlling it.

4. This effort terminated in a statement of policy adopted on July 9, 1965. While conceding that there was then no acoustic or electrical tool for determining precisely whether or not a given sound was objectionably loud, the Commission concluded that objectionably loud commercials were a substantial problem, were contrary to the public interest and that their presentation was to be avoided. The rules concerning modulation were changed slightly and guidance was offered on how to avoid excessive contrasts between programs and commercials.

5. Between 1965 and 1973, FCC field units conducted spot surveys to determine if stations were intentionally raising audio and modulation levels during commercials. Although it was apparent that many broadcasters used audio processing equipment, they were used equally with programs and commercials. One engineer noted that "commercials tended to be as loud as the louder portions of the program; therefore, they sounded louder."

6. During this same period, researchers continued their efforts to develop a device for measuring loudness. One company—CBS Laboratories—invented a loudness level monitor and incorporated its circuitry into an automatic loudness controller. It achieved only limited success.

7. Both the Commission and Congress continued to receive complaints and on July 29, 1975, the Commission reissued its earlier policy statement to remind licensees of their continuing responsibility to prevent the

presentation of commercials which are too loud.

8. In 1977, the Enforcement Division of the Field Operations Bureau conducted another test using a small panel of listeners and the CBS loudness level monitor ("LLM"). The staff evaluated a total of 178 commercials and a variety of programs which had been recorded off the air from several locations in the country. As a result of this study, it was observed that:

"Approximately 50% of the commercials were neither louder nor quieter than normal conversation."

"Approximately 35% of the commercials were loud."

"Judgments concerning the loudness or quietness of commercials were not directly influenced by the preceding program material."

9. *Current status.* Based on the Field Operations Bureau study and conversations with persons knowledgeable in the field, we believe that researchers have a reasonably good understanding of loudness and are capable of producing one or more devices to measure it. This removes the major obstacle we faced in 1962. Because of that and the fact that a significant number of commercials continue to employ what we believe to be excessive loudness, we consider this to be an appropriate time to reopen our inquiry into the subject of loudness in broadcasting.

10. *Loudness.* Persons who are not familiar with the study of acoustics and hearing are advised that loudness is a very complex phenomenon. It has both sensory and psychological aspects and is perceived differently by men and women, and by the young and old. Even within individuals it is affected by interest, time of day, tolerance, semantic content and health.

11. Broadcasting contributes additional elements of complexity. Normally, programs and commercials are recorded independently by different people in different places. The pieces are then combined in a system subject to several levels of interrelated but often uncoordinated control—producers, networks, stations and viewers.

12. *Recommended approach.* The Commission recognizes that the development of a procedure that will unfailingly determine the correct value of loudness of any commercial or program segment is unrealistic and probably impossible. Instead, we believe it more productive to approach the issue in three stages:

(1) *Measurement.* What procedure can be used to measure loudness such that

when applied to a sufficiently large sample (e.g., 100 commercials) the results will be approximately equal to those we could have obtained by polling a cross-section of viewers.

- (2) *Standards.* Given that a wide dynamic range is desirable in broadcasting, and that the Commission does not want to be put into the position of questioning the appropriateness of individual commercials, what criteria can be used to determine if licensees and the broadcasting industry are being responsible to the public's sensibilities in this matter. That is, while there is no compelling reason for all programs and commercials to sound equally loud, how much deviation can be tolerated?
- (3) *Control.* What economically feasible means can the industry adopt to ensure that licensees are able to comply with the (proposed) standards?

13. *Inquiry.* For the purposes of obtaining information that may help in resolving the aforementioned issues, an inquiry is hereby instituted. Views and data are invited from the industry and general public on the following questions. The listing of these questions should not be construed as limiting in any way the area of comment.

(a) What methods (devices) are suitable for measuring the instantaneous loudness of complex sounds such as voice or music? What degree of accuracy is attainable or reasonable? To what extent are these methods (devices) performance-limited?

(b) How does one characterize a sound segment in terms of loudness-intensity of loudest sound, number of sounds exceeding a given intensity, average loudness, etc.? It is possible that multiple parameters are needed, but as more are used it makes comparison and the setting of standards more difficult.

(c) How does one compare two sound segments in terms of loudness?

(d) Recorded sounds have no inherent loudness; that is determined by the signal levels on the audio lines and is adjustable at many points, including the viewer's television. What reference level can be used to measure the potential loudness of an electrical signal? If, as seems likely, it is easier to measure the relative loudness of two sounds, what is the basis for that comparison (See question (c) above)? More concretely, how does one compare a 30-second commercial to a 12-minute program segment?

(e) To what extent (how loud and how many) are commercials objectionably loud?

(f) To what extent is there objectionable loudness in other types of material such as public service announcements or station promotionals?

(g) What causes objectionable loudness in commercials? Is it "built-in" (style of delivery, background music, overall arrangement, etc.)? Does audio processing by the producer cause it? Are audio lines improperly adjusted? Does audio processing at the transmitter contribute to it? Detailed information including research studies (engineering and psychological) are especially welcome.

(h) Do listeners confuse loudness with noisiness or annoying sound? Is semantic content an important factor?

(i) Is there some one factor that is primarily the cause of excessive loudness?

(j) Is modulation the key, only one of several factors, or an unreliable indicator?

(k) What form should standards take? What limits are reasonable?

(l) How can loudness be controlled? Who should be responsible? Can this responsibility be shared?

(m) Is there some one factor which, if controlled, would minimize the problem? This factor need not necessarily be the cause of excessive loudness.

(n) Would it be possible to incorporate an automatic loudness controller in TV sets that would be adjustable for the receiving environment and listener preference, similar to user controls for picture reproduction?

(o) What considerations in the marketplace weaken or oppose any tendency towards self-correction in this area? Why does a sponsor continue to produce a certain type of commercial in spite of complaints that it is objectionably loud?

(p) In what way could the Commission and marketplace forces act together to minimize this problem? Some possibilities are:

1. Establish a joint government-industry evaluation board to deal with the worst cases in an informal way.
2. Establish a review board to screen a random sample of non-program material each month. The findings of the board would be in the form of non-binding recommendations.
3. Develop a system to match commercials with programs that are compatible in style and volume. Use of the system would be voluntary.
4. Publish a periodic list of those commercials about which we have

received the most complaints of objectionable loudness.

5. Encourage receiver manufacturers to develop sets with automatic loudness controllers adjustable for user preferences in various listening environments.
 6. Take no action whatsoever either because the problem is not as substantial as it appears, remedies are too expensive or unlawful, or the industry can be depended upon to remove any material which is truly offensive.
- (g) Should the Commission control loudness solely by regulation? Regulations might take the form of one or more of the following:
1. Require all non-program material to be transmitted with a sub-audible tone. This tone could be detected by special circuits in receivers to automatically adjust sound levels.
 2. Require all non-program material to be clustered, say within 4 minutes on either side of the hour and half-hour. No interruptions would be permitted at other times.
 3. Require all non-program material within any broadcast day to meet the following standards:
 - No more than 10% of this material may be louder than the associated programs.
 - At least 20% of this material must be quieter than the associated programs.
- Note.—Such standards could take many different forms.
4. Require all stations to install devices to control loudness automatically. The characteristics of such devices can be specified separately, as with modulation monitors, transmitters, etc.
 5. Require all station to remove all audio processing equipment or, conversely, allow only certain approved devices to be used.
 6. Require stations (or networks) to evaluate all broadcast material. Non-program material could only be transmitted during programs with which it was compatible in style and volume. A compatibility grading system would have to be devised.

14. The Commission's perception of this issue is based on personal contact with Congress, the industry and the public, a number of studies performed during the past decade, and written complaints. From this we have formed the opinion that, while the problem is not acute, it is certainly an irritant. At this stage of the inquiry we see no need for the Commission to do more than coordinate discussion, encourage

remedial measures and (possibly) formulate a more definitive statement of policy. However, if the problem is so pervasive or its cause so compelling that industry action is likely to be ineffectual, we are prepared to adopt whatever rules are necessary to obtain results.

15. A report by the Field Operations Bureau entitled "Evaluating Loud Commercials: An Experimental Approach," FCC/FOB 78-01, was released in February of 1978, and may be ordered from the Downtown Copy Center, 1730 K Street, N.W., Washington, D.C. 20006, (202) 452-1422. A copy of the report has been placed in the public docket for inclusion in this proceeding.

16. Pursuant to applicable procedures set forth in Section 1.415 of the FCC's Rules, interested persons may file comments on or before December 15, 1979, and reply comments on or before February 15, 1980. All relevant and timely comments and reply comments will be considered by the FCC before further action is taken in this proceeding.

17. In accordance with the provisions of Section 1.419 of the Commission's Rules, an original and five copies of all comments, replies, pleadings, briefs and other documents shall be furnished the Commission. Members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number, including the entire designation (BC Docket No. 79-168) in the heading. All filings made in this proceeding will be made available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C. 20554.

18. For further information concerning this proceeding, contact Bill Hassinger (202-632-7014).

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 79-21413 Filed 7-10-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

Wildlife Development Areas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Fish and Wildlife Service proposes to delete those regulations found at 50 CFR 20.141-143 which provide for the establishment of wildlife development areas on lands outside the National Wildlife Refuge System. The procedures of these sections have been used only once since their inception on May 1, 1947, and the program has thus provided insignificant benefits.

DATE: Comments are due by August 10, 1979.

ADDRESSES: Interested persons are urged to participate in this rulemaking and should submit written comments, preferably in triplicate, to: Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. Comments should refer to file number REG 20-02-14. The Service will attempt to acknowledge the receipt of all comments. All comments received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Marshall L. Stinnett, Special Agent in Charge, Branch of Regulations and Penalties, Division of Law Enforcement, Fish and Wildlife Service, Suite 600, 1612 K Street, N.W., Washington, D.C. 20036, (202) 343-9237.

SUPPLEMENTARY INFORMATION: The Wildlife Development Areas regulations, 50 CFR 20.141 *et seq.*, establish an optional procedure for the management of those areas where the owner of a possessory estate has conveyed a future interest in the land to the United States for refuge purposes. Under this section, the owner of a possessory interest may engage in the shooting of migratory birds and take measures to maintain and increase the waterfowl population of the area if he does so in compliance with a development program approved by the Secretary of Interior. The regulations also provide notice and hearing procedures for violation of a development program and revocation of program approval. The intended purpose of this section was to provide a method to enhance the development of future wildlife refuge areas and the protection of wildlife on those lands.

The scheme has prove unsuccessful. The application of this subpart is limited solely to owners of possessory estates who have conveyed future interests to the United States for refuge purposes. As a result the procedure has been used on only one occasion, and the benefits have thus been negligible. Further, even

if the procedure were invoked more frequently, the insignificant benefits derived would be outweighed by the administrative cost and difficulty in overseeing the development programs. For these reasons, the Service believes that the program is unnecessary and should be discontinued.

Note.—(1) The Fish and Wildlife Service has determined that this proposed rule is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

(2) The Service has determined that this proposed rulemaking is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Accordingly, the Fish and Wildlife Service proposes to delete §§ 20.141-.143 from Part 20 of 50 CFR.

Dated: June 29, 1979.

Lynn A. Greenwalt,

Director.

[FR Doc. 79-21366 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

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Wednesday, July 11, 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.

ACTION

Foster Grandparent and Senior Companion Programs; Income Eligibility Levels

This notice corrects the income eligibility level for individuals in the State of Nevada for the Foster Grandparent Program and the Senior Companion Program published in the *Federal Register* of June 13, 1979 (44 FR 33917 and 33918). The correct level is \$4,730 rather than \$6,730 as shown.

The effective date of this correction is June 13, 1979.

Sam Brown,

Director.

[FR Doc. 79-21336 Filed 7-10-79; 8:45 am]

BILLING CODE 6060-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Galice Ranger District FY 1979 Vegetation Management Program, Siskiyou National Forest; Finding of No Significant Impact

An Environmental Assessment that discusses the FY 1979 vegetation management program on the Galice Ranger District, involving the control of competing vegetation on 3,014 acres of forest land has been prepared. The treatments proposed are not included in the Final Environmental Statement for Vegetation Management with Herbicides, USDA, USDA-FS-R6-FES (Adm) 75-18 (Revised), for the proposed treatment areas. All proposed treatment areas are located on National Forest lands within Josephine and Curry Counties, Oregon. The report is available for public review at the Galice Ranger Station in Grants Pass, Oregon, and the Siskiyou National Forest Office in Grants Pass, Oregon.

The proposed program includes aerial application of the herbicide 2,4-D to 1,864 acres in late August and September to achieve vegetation management. The Environmental Assessment does not indicate this is a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

This determination was based upon consideration of the following factors, which are discussed in detail in the Environmental Assessment: (a) the treatment alternatives selected for use on each treatment area within the vegetation management program were limited to alternatives that: 1. Would not significantly affect the quality of the human environment, or 2. any potentially significant adverse effects could be successfully mitigated; (b) management requirements and constraints ensuring mitigation of potentially significant adverse effects, including: 1. no aerial herbicide application within at least 100 feet of any live stream, existing body of water or wetland, 2. no vegetation management treatment within the riparian zone of any stream, body of water or wetland, 3. no flights with loaded spray aircraft over inhabited areas, croplands, recreation facilities or other restricted flight areas, and 4. compliance with policies and precautions outlined in the Final Environmental Statement for Vegetation Management with Herbicides USDA, USDA-FS-R6-FES (Adm) 75-18 (Revised); (c) no irreversible or irretrievable resource commitments; (d) no known threatened or endangered plants or animals within affected areas; (e) physical and biological effects are limited to the treatment areas; (f) use of herbicides EPA registered for the intended use, and applied according to all regulations and policies applicable at the time of treatment; and (g) continued review of all new information and regulations involving the use and effects of any of the vegetation management methods selected for use on individual treatment areas, with the provision that if new information shows that use of a particular treatment may have an adverse effect, significantly affecting the quality of the human environment that treatment will not be carried out, and an

alternative treatment, if shown in the Assessment as suitable for an individual treatment area, will be carried out on that area. If no alternative treatment is shown as suitable for an individual treatment area, no treatment will be made on the area.

Some public concern has been expressed about possible effects upon water quality and the environment from herbicide application. The Assessment and the Implementation Plan for the proposed project include application measures to protect water quality and minimize drift from the treatment area. These measures include untreated buffer zones adjacent to water, private land and recreation sites, strict weather conditions under which application can be carried out and use of low drift additives. State and Federal water quality standards will be met.

No action will be taken prior to August 10, 1979.

The responsible official is William H. Covey, Forest Supervisor, Siskiyou National Forest, P.O. Box 440, 6th and Midland, Grants Pass, Oregon 97526.

Dated: July 3, 1979.

William H. Covey,

Forest Supervisor.

[FR Doc. 79-21323 Filed 7-10-79; 8:45 am]

BILLING CODE 3410-11-M

Illinois Valley Ranger District, Fiscal Year 1979 Vegetation Management Program, Siskiyou National Forest, Finding of No Significant Impact

An Environmental Assessment that discusses the FY 1979 vegetation management program on the Illinois Valley Ranger District, involving the control of competing vegetation on 1,532 acres of conifer plantations and site preparation for planting conifers on 789 acres of forest land has been prepared. The treatments proposed are not included in the Final Environmental Statement for Vegetation Management with Herbicides, USDA, USDA-FS-R6-FES (Adm) 75-18 (Revised), for the proposed treatment areas. All proposed treatment areas are located on the National Forest lands within Josephine County, Oregon, and Del Norte County, California. The report is available for public review at the Illinois Valley Ranger Station in Cave Junction, Oregon, the Siskiyou National Forest Office in Grants Pass, Oregon, and the

Josephine County Library branch in Cave Junction, Oregon.

The proposed program includes aerial application of the herbicide 2,4-D to 36 acres in late August or early September to achieve vegetation management. The Environmental Assessment does not indicate this is a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

This determination was based upon consideration of the following factors, which are discussed in detail in the Environmental Assessment: (a) The treatment alternatives selected for use on each treatment area within the vegetation management program were limited to alternatives that: 1. would not significantly affect the quality of the human environment, or 2. any potentially significant adverse effects could be successfully mitigated; (b) management requirements and constraints ensuring mitigation of potentially significant adverse effects, including: 1. no aerial herbicide application within at least 100 feet of any live stream, existing body of water or wetland, 2. no vegetation management treatment within the riparian zone of any stream, body of water or wetland, 3. low-drift additive required adjacent to any buffer, 4. no flights with loaded spray aircraft over inhabited areas, croplands, recreation facilities or other restricted flight areas, and 5. compliance with policies and precautions outlined in the Final Environmental Statement for Vegetation Management with Herbicides USDA, USDA-FS-R6-FES (Adm) 75-18 (Revised); (c) no irreversible or irretrievable resource commitments; (d) no known threatened or endangered animals within affected areas; (e) physical and biological affects are limited to the treatment areas; (f) use of herbicides EPA registered for the intended use, and applied according to all regulations and policies applicable at the time of treatment; and (g) continued review of all new information and regulations involving the use and effects of any of the vegetation management methods selected for use on individual treatment areas, with the provision that if new information shows that use of a particular treatment may have an adverse effect significantly affecting the quality of the human environment that treatment will not be carried out, and an alternative treatment, if shown in the Assessment as suitable for an individual treatment area, will be carried out on that area. If no alternative treatment is shown as suitable for an individual

treatment area, no treatment will be made on the area.

Some public concern has been expressed about possible effects upon water quality, the environment, and threatened or endangered plants from herbicide application. The Assessment and the Implementation Plan for the proposed project include application measures to protect water quality and minimize drift from the treatment areas. These measures include untreated buffer zones adjacent to water, private land and recreation sites, strict weather conditions under which application can be carried out and use of low drift additives. State and Federal water quality standards will be met.

No action will be taken prior to August 10, 1979.

The responsible official is William H. Covey, Forest Supervisor, Siskiyou National Forest, P.O. Box 440, 6th and Midland, Grants Pass, Oregon 97526.

Dated: July 3, 1979.

William H. Covey,

Forest Supervisor.

[FR Doc. 79-21324 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-11-M

Land Management Plan, Hector Land Use Area, Green Mountain National Forest, Seneca and Schuyler Counties, N.Y.; Notice To Terminate Preparation of an Environmental Impact Statement

In the April 30, 1979, issue of the *Federal Register*, Vol. 44, No. 84, pages 25258 and 25259, the Forest Service published a Notice of Intent to prepare an environmental impact statement for development of a land management plan for the Hector Land Use Area.

It is not timely at present to develop the plan; therefore, the environmental impact statement process is being terminated.

July 2, 1979.

James H. Freeman,

Director, Planning, Programming, and Budgeting.

[FR Doc. 79-21383 Filed 7-10-79; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 34431]

Pan American World Airways, Inc.; Enforcement Proceeding; Continuance of Hearing

The hearing to be held herein and heretofore set for July 10, 1979 (44 FR 37967, June 29, 1979) is continued until further order of the presiding administrative law judge.

Dated at Washington, D.C. July 5, 1979.

Rudolf Sobernheim,

Administrative Law Judge.

[FR Doc. 79-21426 Filed 7-10-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket 35464; Order 79-7-30]

Pan American World Airways, Inc.; Order of Suspension and Investigation

Adopted: June 26, 1979.

Pan American World Airways, Inc. (Pan American) has filed tariff revisions proposing a second round of fuel cost-related increases in Atlantic, Pacific, and Western Hemisphere passenger fares, effective July 24, 1979.¹ In May the Board approved in part Pan American's first-round fuel-related increases, and the approved increases generally became effective on June 1, 1979.² Pan American now proposes additional increases of 6.5 percent in Atlantic first-class fares (except to and from the United Kingdom), and 6.5 percent in South Pacific and Central American first-class and promotional fares.³ In the South American market, the carrier proposes 6.5 percent increases in first-class and promotional fares in place of the previous proposal which the Board suspended; similarly, Pan American would increase North/Central Pacific first-class fares 8.5 percent and promotional fares 6.5 percent, in lieu of its original proposal.⁴

In support of its proposal, Pan American argues that its revenue need to compensate for fuel cost increases should be considered on a system basis rather than on regional results, and it should be entitled to pass through fuel cost increases regardless of existing earnings in a particular geographic area. The carrier has provided data indicating a shortfall in overall revenue recovery even assuming approval of its proposals. Pan American also specifically argues,

¹The carrier has requested short-notice permission to advance the effective date to June 15, 1979.

²In its first filing, Pan American proposed fixed dollar increases in all fares based on a percentage of the normal economy fare. The Board suspended all normal economy fare increases except to and from Israel, Germany, Belgium, the Netherlands, Jamaica, Mexico, Korea and Singapore, and from Australia. The other increases were approved with the exceptions of all increases in the South American (except Jamaica) and North/Central Pacific (except Korea and Singapore) markets. (See Order 79-5-218, May 17, 1979). Appendix C presents a comparison of base fares with Pan American's first and second filings in sample markets, showing also the cumulative increases represented by the carrier's present proposal.

³No additional increases are proposed for Mexico, or from Australia.

⁴No additional increases are proposed for Korea or Singapore.

concerning the Board's denial of the first filing for North/Central Pacific and South American increases, that: in the Pacific, the forecast decline in earnings is attributable to the Northwest strike which buoyed Pan American's 1978 earnings above usual levels, and it is not proper to consider the detrimental impact on earnings of non-fuel cost increases, since the subject proposals are intended to cover fuel cost increases only; and in South America, its return on investment (ROI) is now unusually high due to a low investment base resulting from use of heavily depreciated aircraft.

The Board has carefully considered Pan American's proposal and arguments, and has decided to suspend all increases to and from South America, Japan and the Philippines, and to allow the other proposed increases to take effect.

Pan American's overall fuel costs projections do not appear to be out of line with projections using data reported to the Board through April 1979.⁵ However, we are not prepared to accept Pan American's general system-need approach which argues for a complete fuel pass-through without regard to a carrier's earnings, existing fare levels or the competitive situation in the markets involved. While the Board has recently approved U.S. domestic general fare increases related to fuel costs escalation based on average industry costs, the U.S. domestic system is much more open to competition than are the many international markets Pan American serves, and the U.S. domestic fare levels are lower than most international fare levels.

Therefore we are continuing to review Pan American's proposals in each market. Where we accepted the first-round fuel increase in first-class and promotional fares (Atlantic, South Pacific and Central America) we will accept Pan American's second-round proposal as well. In the areas where we denied Pan American's initial filing (North/Central Pacific, South America), we will approve some increases. In the North/Central Pacific, we denied all increases (except to and from Korea and Singapore where the United States has negotiated liberal bilateral agreements) due to several factors: Pan American's 1978 ROI of over 20 percent and our skepticism that its earnings would decline in 1979 so dramatically as it forecast; our concern about the generally high level of transpacific fares; and continued pricing and service

⁵The projections, of course, assume a continuation of the same rate of increase as that experienced over the past six months when extraordinary political and economic factors dramatically affected fuel markets and prices.

restrictions imposed by foreign governments. In its second filing, Pan American makes a credible case that its 1978 earnings were unusually high due to the Northwest strike, and that it requires some revenue relief in 1979 due to fuel cost escalation. At the same time, we cannot accept fare increases to or from Japan or the Philippines, where fares are still relatively high and competitive conditions are among the worst in the world. Although load factors are high in both markets, both capacity and entry are effectively frozen due to local conditions and the policies of the Japanese and Philippines Governments. Prices are still subject to the approval of both governments at each end of a route, and Japan has repeatedly refused to approve innovative, low-fare proposals by U.S. carriers.⁶

In South America, Pan American has not convinced us that we should permit any fare increases. Fares to South America are quite high already,⁷ competition in direct service is limited, prices are subject to approval of both governments, and in many cases entry is closed, capacity controlled, and charters disfavored. Further, Pan American projects healthy earnings—20.2 percent ROI—under present fares.⁸ We will, however, permit the first-class and promotional fare increases to take effect in Pan American's remaining Caribbean markets (Trinidad, Haiti and Dominican Republic). Even though Pan American included its Caribbean operations in its South American forecast, the island markets have a lower fare structure and more competitive conditions than do the South American markets.

Accordingly, pursuant to sections 102, 204(a), 403, 801, and 1002(j) of the

⁶Northwest's "Orient Express" fare structure and Pan American's budget fares. In addition, Japan has taken a rather hostile attitude toward charters.

⁷Pan American forecasts a 1979 average yield of 9.59 cents per mile in the U.S.-South America market, despite relatively long stage lengths. (Pan American's 1978 average on-flight passenger trip length in the Latin American Division was 1757 miles, but this included many short-haul routes to Mexico and Central America. New York-Rio de Janeiro mileage is 4816 one way, New York-Buenos Aires mileage, 5302.) Pan American recently proposed new budget fares to South America: the New York-Rio de Janeiro budget fare would be \$608 round trip or 6.31 cents per mile, compared to a New York-London peak budget fare of \$320 (including fuel surcharge) or 4.63 cents per mile.

⁸We are not persuaded that the fare increases should be approved based on Pan American's argument that its South American ROI is now unusually high due to a depressed investment base resulting from continued use of heavily depreciated equipment. We will not consider the higher capital costs of new, more efficient equipment in concert with the high operating costs incurred with the existing, relatively inefficient, depreciated equipment.

Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in Appendices A and B hereof, and rules and regulations or practices affecting such fares and provisions, are or will be discriminatory, unduly preferential, unduly, prejudicial or otherwise unlawful, and if we find them to be unlawful, to act appropriately to prevent the use of such fares, provisions, or rules, regulations, or practices;

2. Pending hearing and decisions by the Board, we hereby suspend and defer the use of the tariff provisions in Appendices A and B from July 24, 1979, to and including July 23, 1980, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President⁹ and it shall become effective on July 24, 1979; and

4. We shall file copies of this order in the aforesaid tariffs and serve them on Pan America World Airways, Inc.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board,
Phyllis T. Kaylor,
Secretary.

All Members concurred except Member Schaffer who dissented to that part of the order which approves increases in only first-class and promotional fares.

Appendix A

Western Hemisphere Passenger Fares Tariff No. P-NS-4, C.A.B. No. 74, Issued by Air Tariffs Corporation, Agent

The provisions of Supplement No. 38, insofar as they relate to increases in fares:

To/From points in South America, Surinam, Guyana, and French Guiana to points in Venezuela

The suspension above does not stay the cancellation of Supplement No. 30.

Appendix B

Transpacific Passenger Fares Tariff No. 1, C.A.B. No. 67, Issued by Air Tariffs Corporation, Agent

The provisions of Supplement No. 17, insofar as they relate to increases in fares:

To/From points in Japan and the Philippines.

BILLING CODE 6320-01-M

⁹We submitted this order to the President on June 27, 1979.

PAN AMERICAN: PRESENT AND PROPOSED FARES IN SELECTED MARKETS
(Round trip ex-U.S.)

MARKET AND FARE CATEGORY	BASE FARES (as of 5/1/79)	INITIAL PROPOSAL		APPROVED BY O. 79-5-218		APPROVED BY STP 5/31/79 (7% INCREASE)		NEW PROPOSAL		CUMULATIVE CHANGE OVER PRESENT FARES		
		FARE LEVEL	PERCENT CHANGE	FARE LEVEL	PERCENT CHANGE	FARE LEVEL	PERCENT CHANGE	FARE LEVEL	PERCENT CHANGE	AMOUNT	PERCENT	
NORTH ATLANTIC												
<u>(New York - London)</u>												
First Class	\$ 1470	\$ 1496	1.77%	\$ 1496	1.77%	\$ 1572	0.00%	\$ 1572	0.00%	\$ 102	6.94%	
Normal Economy: Peak	764	790	3.40	764	0.00	764	0.00	764	0.00	0	0.00	
Basic	626	652	4.15	626	0.00	626	0.00	626	0.00	0	0.00	
7/60-Day Excursion: Peak	531	557	4.90	557	4.90	670	0.00	670	0.00	44	7.03	
Basic	626	652	4.15	652	4.15	568	0.00	568	0.00	37	6.97	
Budget: Peak	299	325	8.70	325	8.70	320	0.00	320	0.00	21	7.03	
Basic	279	305	9.32	305	9.32	299	0.00	299	0.00	20	7.17	
CENTRAL AMERICA												
<u>(New York - Guatemala City)</u>												
First Class	742	768	3.50	768	3.50			818	6.50	76	10.24	
Normal Economy	504	530	5.16	504	0.00			504	0.00	0	0.00	
30-Day Excursion: Weekend	445	471	5.84	471	5.84			502	6.50	57	12.81	
Midweek	405	431	6.42	431	6.42			459	6.50	54	13.33	
Budget	260	286	10.00	286	10.00			305	6.50	45	17.31	
SOUTH AMERICA												
<u>(New York - Rio De Janeiro)</u>												
First Class	1730	1784	3.12	1730	0.00			1842	6.50	112	6.50	
Normal Economy	1014	1068	5.33	1014	0.00			1014	0.00	0	0.00	
28-Day Excursion	928	982	5.82	928	0.00			988	6.50	60	6.50	
APEX	750	804	7.20	750	0.00			799	6.50	49	6.50	
I. I. T.	746	800	7.24	746	0.00			794	6.50	48	6.50	
NORTH/CENTRAL PACIFIC												
<u>(Los Angeles - Tokyo)</u>												
First Class	1624	1664	2.46	1624	0.00			1762	8.50	138	8.50	
Normal Economy	1004	1044	3.98	1004	0.00			1004	0.00	0	0.00	
14/21-Day Excursion	938	978	4.26	938	0.00			999	6.50	61	6.50	
APEX: Peak	715	755	5.59	715	0.00			761	6.50	46	6.50	
Basic	655	695	6.11	655	0.00			698	6.50	43	6.50	
SOUTH PACIFIC												
<u>(Los Angeles - Sydney)</u>												
First Class: No Stopovers	2232	2290	2.60	2290	2.60			2439	6.50	207	9.27	
One or More	2422	2480	2.39	2480	2.39			2641	6.50	219	9.04	
Normal Econ: No Stopovers	1316	1374	4.41	1316	0.00			1316	0.00	0	0.00	
One or More	1428	1486	4.06	1428	0.00			1428	0.00	0	0.00	
APEX: Peak	1026	1084	5.65	1084	5.65			1154	6.50	128	12.48	
Shoulder	767	825	7.56	825	7.56			879	6.50	112	14.60	
Basic	515	573	11.26	573	11.26			610	6.50	95	18.45	
Budget: Peak	899	957	6.45	957	6.45			1019	6.50	120	13.35	
Shoulder	747	805	7.76	805	7.76			857	6.50	110	14.73	
Basic	495	553	11.72	553	11.72			589	6.50	94	18.99	

1/ First Class fares would be increased 6.5 % in U.S.-Europe markets other than U.S.-U.K.; no change in other fares.

Wien Air Alaska**AGENCY:** Civil Aeronautics Board.**ACTION:** Summary of Order 79-7-15 which proposes to revise Wien Air Alaska's temporary subsidy rate upward from \$1.5 million to \$4.2 million.

SUMMARY: On April 16, 1979, Wien Air Alaska petitioned the Board to amend upward its subsidy rates on both a temporary and final basis. In support of its request Wien stated that under the Airline Deregulation Act of 1978, the Board may not use profits from unsubsidized services in setting rates for subsidized services during the next four years. Although its total operating loss plus interest expense for all services during 1978 was only \$889,000, its loss plus interest on its subsidy eligible services alone was \$4.6 million and this figure should form the basis for a temporary subsidy rate. The carrier also stated that increases in operating costs and declining traffic growth have led to a deterioration in its financial results in recent periods. The adopted Board order includes some changes to Wien's claim for temporary subsidy and proposes an annual temporary rate of \$4.2 million, effective April 16, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Hokanson or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5368.

The complete text of Order 79-7-15 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 79-7-15 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board,
Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-21424 Filed 7-10-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE**Industry and Trade Administration****Pricing of Trade Lists**

Effective July 1, 1979, the price of each Trade List which exceeds 100 pages will be \$5. The price for each Trade List having 100 or less pages will remain fixed at \$3.

Trade Lists contain information collected by personnel of the U.S. Department of State, U.S. Foreign

Service, on foreign firms operating in selected countries and industries. They are published by the Department of Commerce to assist U.S. firms in finding export contacts abroad. The lists and a free index to those presently available can be obtained from the U.S.

Department of Commerce, Industry and Trade Administration, Bureau of Export Development, TFISD/Room 1033, Washington, D.C. 20230.

Peter G. Gould,

Deputy Assistant Secretary for Export Development.

[FR Doc. 79-21384 Filed 7-10-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration**Modification of Permit**

Notice is hereby given that pursuant to the provisions of Sections 216(33) (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Public Display Permit No. 186 issued to Black Hills Marineland, Inc., on May 19, 1977, is modified in the following manner:

Section B is modified by deleting Section B-6 and substituting therefor the following:

"6. This Permit is valid with respect to the taking authorized herein until December 31, 1981."

This modification is effective July 11, 1979.

The permit, as modified, and documentation pertaining to the modification is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Dated: July 2, 1979.

Winfred H. Meibohm,

Associate Director, National Marine Fisheries Service.

[FR Doc. 79-21386 Filed 7-10-79; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit

On May 21, 1979, Notice was published in the *Federal Register* (44 FR 29514), that an application had been filed with the National Marine Fisheries

Service by the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, to take four (4) beached/stranded Northern elephant seals (*Mirounga angustirostris*) for the purpose of scientific research.

Notice is hereby given that on July 2, 1979, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to the Northwest and Alaska Fisheries Center, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries Service, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 2, 1979.

Winfred H. Meibohm,

Associate Director, National Marine Fisheries Service.

[FR Doc. 79-21385 Filed 7-10-79; 8:45 am]

BILLING CODE 3510-22-M

Nomination of Georges Bank, Offshore of New England, As a Marine Sanctuary

AGENCY: Office of Coastal Zone Management ("OCZM"), National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Receipt of Nomination of, and Initiation of Consultation on, Georges Bank as a proposed New England Marine Sanctuary.

SUMMARY: Pursuant to guidelines under Title III of the Marine Protection, Research and Sanctuaries Act of 1972, (Pub. L. 92-532) NOAA announces receipt of a marine sanctuary nomination. Information and comments are requested on the feasibility of Georges Bank, offshore of New England, as a marine sanctuary.

ADDRESS: Send comments and information to: Dr. Richard J. Podgorny, Director, Sanctuary Programs Office/OCZM, NOAA, Room 308, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:
Dr. Podgorny, above address, 202-634-4236.

SUPPLEMENTAL INFORMATION: The Office of Coastal Zone Management has received a nomination of Georges Bank on the United States Outer Continental Shelf for a marine sanctuary. Georges Bank, located between 50 and 200 miles southeast offshore from New England was nominated by the Conservation Law Foundation, Inc., Gloucester Fishermen's Wives Association, Boat Owners United, Seafood Producers Association, New Bedford Fishermen Unions, Chatham Seafood Cooperative, Old Harbor Fish Company, and the National Coalition for Marine Conservation.

The nomination, which has generated widespread public interest, presents the nominator's concept for a sanctuary. The Department of Commerce is not limited, however, to the acceptance or rejection of this particular approach, and requests views on the most appropriate scope for a sanctuary in this area.

Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (the Act) authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological or esthetic values. The Act requires formal consultation with the Secretaries of State, Defense, Interior, Transportation, the Administrator of the Environmental Protection Agency and other interested agencies prior to designation.

In addition, NOAA policy and regulations call for full consultations with interested constituents and State and local officials. This request for information and comment on a Georges Bank sanctuary is the beginning of a series of consultations that are part of the process for evaluating marine sanctuary proposals.

After this consultation, if appropriate, NOAA will prepare an Issue Paper that will consider alternative marine sanctuary concepts for George Bank, including alternative boundaries and management arrangements. It will also consider the alternative of protecting the Georges Bank resources through the use of existing regulatory and management devices such as those connected with oil and gas operations on the outer continental shelf. The Bureau of Land Management, Department of the Interior has recently issued a draft supplemental environmental statement in connection with the proposed October sale of tracts

on Georges Bank for purposes of oil and gas exploration and development (see *Federal Register* 32277, 6-5-79). A request for comments on that document offers an additional timely opportunity to express views on the marine sanctuary alternative for Georges Bank. Note that the deadline for comments on the Interior document is July 6, 1979. NOAA intends to work closely with the Department of the Interior in an effort to ensure that our marine sanctuaries Issue Paper and the documents prepared in connection with the Georges Bank lease sale present a consistent discussion of the alternatives available for the protection of the valuable living marine resources of Georges Bank.

One or more public workshops will be scheduled for later summer to serve as a forum for comments on the Issue Paper and on a desirability of a sanctuary as an appropriate protective mechanism for this area. The comments received in response to these letters and workshops will provide guidance to NOAA on whether to proceed with the issuance of a Draft Environmental Impact Statement containing a proposed designation and regulations, and guidance as to issues and questions to be addressed in that document.

All interested persons or groups may submit information and/or comments concerning the feasibility of this site as a possible marine sanctuary. Further notices will be published in the *Federal Register* when NOAA determines feasibility of the site and if the nomination becomes an active candidate.

A copy of the nomination is available for public review in Room 327, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, between the hours of 8:00 a.m.-4:30 p.m., Monday through Friday.

Dated: July 3, 1979.

M. P. Snidero,

Acting Assistant Administrator for Administration.

[FR Doc. 79-21326 Filed 7-10-79; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Small Boat Basin on the Coquille River at Bandon, Oreg.

AGENCY: U.S. Army Corps of Engineers (DoD).

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed project is a boat basin to be studied, and if feasible, constructed under Section 107 of the River and Harbor Act of 1960. The facility would be located at River Mile 1 on the south side of the Coquille River. The facility, as proposed, would provide year-round moorages for 200 commercial fishing vessels. A protective breakwater with entrance-departure channel would be constructed to provide shelter.

2. Alternatives being actively evaluated are other potential boat basin locations on the Coquille River and no action.

3. The scoping process will entail submission of a summary of the proposal to affected Federal, state, and local agencies and interested private organizations and parties to afford them the opportunities to comment on the significant issues which should be addressed in the DEIS. It is expected that among these issues will be impacts on aquatic life and land use generated by implementation of the proposal. Further agency and public input will be obtained during preparation of the DEIS and as part of the formal DEIS review process.

4. The DEIS is expected to be available to the public in October 1980.

5. Questions about the proposed action and DEIS can be answered by: District Engineer, U.S. Army Corps of Engineers, Portland District, ATTN: NPPEN-PL-3, P.O. Box 2946, Portland, Oregon 97208.

By authority of the Secretary of the Army:

Rome D. Smyth,

Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

Dated: July 6, 1979.

[FR Doc. 79-21321 Filed 7-10-79; 8:45 am]

BILLING CODE 3710-AR-M

Corps of Engineers

Intent To Prepare a Supplement to the Final Environmental Impact Statement for the Proposed Local Flood Protection Project at Lock Haven, Pa.

AGENCY: Baltimore District of the U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a Supplement to the Final Environmental Impact Statement.

SUMMARY: 1. The purpose of the current Phase I Advanced Engineering and Design Study is to affirm the validity of the 1974 survey report, published as

House Document No. 94-577. The Final Environmental Statement was filed on August 13, 1976. A system of levees and floodwalls with associated interior drainage facilities and utility modifications is considered to be the most effective and economical method of providing flood protection for Lock Haven. These flood control works would protect low lying areas of Lock Haven from flows on the West Branch Susquehanna River of 238,000 cfs with a coincidental discharge of 42,000 cfs on Bald Eagle Creek. The area to be protected along the West Branch Susquehanna River is mostly residential and commercial, while the area on the Bald Eagle Creek side is mostly industrial land.

2. Alternative structural and nonstructural solutions have been considered. Alternative structural measures considered for flood damage reduction were the authorized levee/floodwall plan, upstream reservoirs, and channel modifications. Nonstructural alternatives were floodplain management, floodproofing, and flood emergency preparedness. Four alternative alignments of the levee/floodwall plan were studied in the process of formulating and selecting the recommended plan of protection. Fundamental decisions involved in the alignment formulation process were whether or not to protect the Municipal Airport and/or the Hammermill Paper Company waste ponds. The alternative alignments were designated 1A, 1B, 2A, and 2B. The difference between alignments 1 and 2 is the inclusion of the airport. Alignment 1 would not protect the airport facility but alignment 2 would. The difference between the A and B alignments is the inclusion of the waste ponds. Alignment A would not protect the Hammermill waste ponds but alignment B would protect the waste ponds against flooding.

3. a. From the initiation of the current study in October of 1977, a continuous effort was made to elicit public and private participation in the planning process. Public meetings, frequent public workshops, and meetings with local officials, businessmen and interested groups were held throughout the study. The study initiation was announced by Public Notice in November 1977. Public workshops were held in June and November of 1978 and in February 1979 to obtain public input and present study progress.

b. The recommended plan would require approximately 610,000 cubic yards of borrow material for the levees and approximately 25,000 cubic yards of concrete for the floodwall. The levee

would encroach on the West Branch Susquehanna River for approximately 1,400 feet with an average width of 100 feet, resulting in temporary increases in turbidity and sedimentation. No lasting adverse impacts are expected to occur on the water quality or the aquatic ecosystem.

c. Construction of the levee/floodwall system would place a barrier between Water Street and the river, eliminating the continuous physical and visual linkage between the two. Construction of the levee and floodwall would also result in the loss of mature street trees and river bank vegetation. The 15 to 18-foot wall near the Water Street Historic District is significant in terms of its scale and proximity to historic structures. However, in the absence of the project the historic structures and the other cultural features of the city would be susceptible to continued flooding and associated deterioration. Construction of the project would require the acquisition of approximately 17 structures, including 14 families in Lock Haven. The relocation of approximately 75 families in Lockport would eliminate future flood damages.

d. The U.S. Fish and Wildlife Service has furnished input to the Supplement in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.)

4. No public meetings are scheduled to be held other than that mentioned in the above paragraph 3a.

5. The supplement will be made available to the public in September 1979.

ADDRESS: Questions about the proposed action and the supplement to the SFEIS can be answered by Mr. Harry E. Kitch, Baltimore District, Corps of Engineers, P.O. Box 1715, Baltimore, Maryland 21203, (301) 962-2530.

Date: July 2, 1979.

James W. Peck,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-21387 Filed 7-10-79; 8:45 am]

BILLING CODE 3710-41-M

Uniformed Services University of the Health Sciences

Privacy Act of 1974; Notice of Systems of Records: Amendments

Correction

In FR Doc. 79-20388, appearing at page 38990, in the issue for Tuesday,

July 3, 1979, make the following correction:

On page 38993, in the first column, insert the identification number "WUSU04" directly above the heading "System name:".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Sales of Lithium Compounds Enriched in the Isotope Lithium-7

The Department of Energy (DOE) hereby withdraws from the sale of lithium-7 (Li-7) in the form of lithium hydroxide monohydrate having an isotopic purity of 99.9% or greater other than the sale in gram lots, not to exceed 50 grams to any purchaser in any 12-month period, which will continue to be priced at 50 cents per gram.

DOE will reserve its stocks of Li-7 in the form of lithium fluoride having an isotopic purity of 99.9% or greater for sale at \$260 per kilogram to an industry source which wishes to process it to the form of lithium hydroxide monohydrate provided that such sale shall be made only upon a determination by DOE that it will serve to foster private domestic competition in the isotopic separation of lithium.

DOE will continue to sell Li-7 having an isotopic purity of 98.4% or lower, in any of the forms available to DOE, at a price of \$51.00 per kilogram, except that DOE will reserve from sale approximately 440,000 kg of Li-7 in the form of lithium hydroxide monohydrate having an isotopic purity of 98.4% for sale to industries desiring to use it, upon a showing to DOE's satisfaction that such material will be used as feed stock for a plant to enrich lithium to an isotopic purity of Li-7 of 99.9% or greater. DOE will sell not more than 220,000 kg of the reserved material to any one entity. This restriction will provide sufficient feed stocks for two lithium enrichers should the market opportunity for two enrichers develop.

If at any time after the effective date of this notice a person who is a user or potential user of lithium hydroxide monohydrate, enriched in Li-7 to an isotopic purity of 99.9% or greater, is unable to reach agreement with a commercial U.S. supplier of such material and if such person considers that terms and conditions, including prices, for the material offered by the commercial U.S. supplier are unreasonable, DOE, upon such person's request, will review the proposed terms and conditions including prices. If after the review DOE determines the required

material is not available at reasonable terms and conditions, including prices, DOE to the extent it has stocks available, will sell to such person lithium hydroxide monohydrate enriched in Li-7 to an isotopic purity of 99.9% or greater in amounts DOE determines to be appropriate at a price which DOE at that time determines to be reasonable.

The notice published in the **Federal Register** at 42 FR 28912 on June 6, 1977, entitled "Lithium-7 Sales, Revision of Charges," as well as all previous notices dealing with sales of lithium-7, are hereby superseded.

Dated at Washington D.C. this 5th day of July, 1979.

For the U.S. Department of Energy.

Duane C. Sewell,

Assistant Secretary for Defense Programs.

[FR Doc. 79-21439 Filed 7-10-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Brasal Standard, Et Al.; Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of May 1979. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Allocation and Price Regulations and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Order, the consenting firms agree to the following actions:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;
2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height; and
3. Properly maintain records required under the aforementioned regulations.

For further information regarding these Consent Orders, please contact Mr. Robert Gerring, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106, telephone number (816) 374-5936.

Issued in Washington, D.C., on the 2nd day of July, 1979.

Robert D. Gerring,

District Manager, Central Enforcement District.

Concurrence: July 2, 1979.

David H. Jackson,

Regional Counsel.

Gasoline Retailer Project

Name, Address and Date Issued

1. Brasel Standard, 4016 S. Noland Rd., Independence, Mo.—4-11-79.
2. Conoco, 2800 Chrysler, Independence, Mo.—4-12-79.
3. Baldus Standard, 11120 E. 23rd St., Independence, Mo.—4-12-79.
4. Al Waits Standard, 9301 Wilson Rd., Independence, Mo.—4-12-79.
5. Phipps Petroleum Inc., 1351 E. 24 Hiway, Independence, Mo.—4-11-79.
6. Bob's 66 Service, Grandview Road, Grandview, Mo.—4-12-79.
7. Oak Park Standard, 11900 W. 95th, Lenexa, Ks.—4-12-79.
8. Shandion Oil, 7700 Prospect, Kansas City, Mo.—4-12-79.
9. Midland Energy, 57th & Antioch, Gladstone, Mo.—4-12-79.
10. Midland Energy, 69th & N. Oak, Gladstone, Mo.—4-12-79.
11. Midland Energy, Macon & Armour, N. Kansas City, Mo.—4-12-79.
12. Midland Energy, 135 & 33 Hiway, Liberty, Mo.—4-12-79.
13. Platte Woods Mobil, 7538 NW Prairieview, Platte Woods, Mo.—4-11-79.
14. Riverside Texaco, 4523 NW Gateway, Riverside, Mo.—4-12-79.
15. Riverside Standard 4602 Gateway, Riverside, Mo.—4-12-79.
16. Joe & Bill's Serv., 11511 Blue Ridge Blvd., Grandview, Mo.—4-18-79.
17. Skyline Skelly, 8435 E. 63rd, Kansas City, Mo.—4-18-79.
18. Bob Quall, 12421 Grandview Rd., Grandview, Mo.—4-18-79.
19. Huttons Mobil, 8706 Blue Ridge Blvd., Grandview, Mo.—4-18-79.
20. Copelin Bros. Serv., 111 & Blue Ridge Blvd., Grandview, Mo.—4-18-79.
21. Allinder's Apco, 900 E. Alton, Independence, Mo.—4-12-79.
22. Wade Martin, 6001 Parallel, Kansas City, Ks.—4-13-79.
23. Bob's Shell, 155 & Rt. 53, Bowling Brook, Il.—4-3-79.
24. Meyer Shell, Rt. 30 & Western Ave., Chicago, Il.—4-3-79.
25. Montrose & Clark Shell, 1427 W. Montrose, Chicago, Il.—4-12-79.
26. Fraga Shell, 3551 N. Ashland, Chicago, Il.—4-13-79.
27. Schutz Standard, 29435 Orchard Lake Rd., Farmington, Mi.—4-12-79.
28. Fisher Shell Serv., 31324 W. Ten Mile, Farmington, Mi.—4-12-79.
29. 14 & John R., 32845 John R., Madison Heights, Mi.—4-10-79.
30. 13 Mile & Stephenson Shell, 31015 Stephenson, Madison Heights, Mi.—4-10-79.
31. Lakeside Marathon Serv., 13630 Hall Rd., Sterling Heights, Mi.—4-12-79.
32. Wayne Lockard Entr., 1015 E. Auburen Rd., Rochester, Mi.—4-12-79.
33. Donnan Gulf, 235 Main, Rochester, Mi.—4-10-79.
34. Lisk Standard, 4009 Telegraph Rd., Bloomfield Hills, Mi.—4-10-79.
35. Lahser & 11 Mile Shell, 27050 Lahser, Southfield, Mo.—4-10-79.
36. Raytown Standard, 6840 Blue Ridge, Kansas City, Mo.—4-24-79.
37. Standard Service, 8201 E. Bannister, Kansas City, Mo.—4-24-79.
38. Baueis Standard, 10635 St. Charles, St. Louis, Mo.—4-23-79.
39. Four Seasons Shell, 13506 Olive, Chesterfield, Mo.—4-25-79.
40. Broadway Standard, 1800 W. Broadway, Cape Girardeau, Mo.—4-25-79.
41. Bob's Bellmore Shell, 3260 Nameoki, Grannit City, Mo.—4-25-79.
42. Al's Mobil, 2000 Vandalia, Collinsville, IL.—4-26-79.
43. Woodsmill Texaco, Woodsmill & Clayton, Chesterfield, Mo.—4-26-79.
44. Harold Flora Standard, 1390 Olive, Chesterfield, Mo.—4-26-79.
45. Grover Street Texaco, 50th & Grover, Omaha, Ne.—4-25-79.
46. Harold's Regency Texaco, 10505 Pacific, Omaha, Ne.—4-26-79.
47. Bud Roat Standard, 4807 Kellog, Wichita, Ks.—4-25-79.
48. Beards '66, 6402 E. Central, Wichita, Ks.—4-25-79.
49. Eastgate Standard, 1608 E. 1st, Newton, Ks.—4-26-79.
50. Universal Serv. Stat., 6101 E. Kellog, Wichita, Ks.—4-26-79.
51. Jerry's Standard, Rt. 3 & Rt. 176, Crystal Lake, Il.—4-24-79.
52. Lumbaugh Sunoco, Rt. 47, Woodstock, Il.—4-24-79.
53. Rogers Rt. 12 Serv., 156 N. Rt. 12, Fox Lake, Il.—4-24-79.
54. Lew's Arko, Main & Pain, Lake Zurich, Il.—4-24-79.
55. Central-Northwest Serv., 5210 Hiway, Chicago, Il.—4-25-79.
56. Johnson Standard Serv., Rt. 176 & Rt. 47, Crystal Lake, Il.—4-25-79.
57. Bob's Super Texaco, 154 & S. Park Ave., Holland, Il.—4-26-79.
58. Rod's Mobil, 1000 E. Roosevelt, Wheaton, Il.—4-26-79.
59. Val's Service, Irving Park Rd. & Clark, Chicago, Il.—4-26-79.
60. Val's Service, Addison & Ashland, Chicago, Il.—4-26-79.
61. Touhy & Dee Phillip, 2301 Touhy Ave., Parkridge, Il.—4-27-79.
62. Gas City Limited, 160 LaGrage, Frankfort, Il.—4-27-79.
63. Wolf & Palatine Texaco, 1201 S. Wolf, Prospect Heights, Il.—4-27-79.
64. Richard Grueshaber, 8983 Buck Rd., Rossford, Oh.—4-23-79.

85. C. W. Drahier, 720 Conant, Maumee, Oh.—4-23-79.
86. Larry Harrison, 11141 Freemont, Perrysburg, Oh.—4-23-79.
87. Cntr. Heights Mobil, 3884 Warrenville Ctr. Rd., Warrenville, Heights, Oh.—4-24-79.
88. Don's Arko, 33245 Aurora Rd., Solon, Oh.—4-25-79.
89. James Ward Shell, 7909 Euclid Ave., Cleveland, Oh.—4-25-79.
90. Shoreway Arco, 9308 Clifton Blvd., Cleveland, Oh.—4-26-79.
91. Worthington Square Exxon, 7141 N. High, Worthington, Oh.—4-26-79.
92. Frankies Texaco, 4512 Broadview, Cleveland, Oh.—4-26-79.
93. Fred Less, 19779 Mack, Gross Point Woods, Mi.—4-25-79.
94. Ray Summer Serv., 19733 Mack, Gross Point Woods, Mi.—4-25-79.
95. Hemphill Standard, 5996 Woodward Ave., Detroit, Mi.—4-25-79.
96. Hoke Bros. Standard, 3555 Woodward Ave., Detroit, Mi.—4-25-79.
97. McMillers Standard, 1600 E. McMichols, Detroit, Mi.—4-25-79.
98. Ernie's Super Gulf, 6717 Davison, Detroit, Mi.—4-25-79.
99. Flints Serv., 19737 Mound, Detroit, Mi.—4-25-79.
100. 7 & Van Dyke Shell, 8020 E. 7 Mile, Detroit, Mi.—4-25-79.
101. Gratiot Sanford Shell, 12145 Gratiot, Detroit, Mi.—4-25-79.
102. Homers Gulf, 2844 E. Grand Blvd., Detroit, Mi.—4-24-79.
103. Larry's Econ-O-Change, 22701 Gratiot, Detroit, Mi.—5-27-79.
104. 8 Mile & Kelly Total, 1770 E. 8 Mile Rd., Harper Woods, Mi.—4-27-79.
105. Dan's Standard, 16025 E. Warren, Detroit, Mi.—4-27-79.
106. Clay & Crysler Shell, 1140 Clay Street, Detroit, Mi.—4-27-79.
107. I & G Shell, 8901 Woodward, Detroit, Mi.—4-27-79.
108. Cedar & Mt. Hope Standard, 1901 S. Cedar, Lansing, Mi.—4-27-79.
109. McNalley's Standard, US Rt. 27, Dewitt, Mi.—4-27-79.
110. Lindell Standard, 7544 Lyndale Ave So., Minneapolis, Minn.—4-27-79.
111. Wilhelms Nicollett Inc., 7720 Nicollett Ave. S., Minneapolis, Minn.—4-27-79.
112. Ray Sessler Shell, 620 Union, St. Louis, Mo.—4-30-79.
113. Sanders Martion Serv., 10775 Watson, Sunset Hills, Mo.—5-1-79.
114. Bill's Standard, 9666 Watson, Crestwood, Mo.—5-1-79.
115. 74th Street Mobil, 7406 W. Main, Bellville, Il.—5-2-79.
116. 76 Union, 3829 N. Belt W., Bellville, Il.—5-2-79.
117. Ray Anderson Standard, 7140 Dodge, Omaha, Ne.—5-1-79.
118. Westphalens '66 Serv., 5920 Redick, Omaha, Ne.—5-2-79.
119. Fulerton Austin Shell, 601 W. Fullerton, Chicago, Il.—4-30-79.
120. Belmont Naragansett Shell, 6400 W. Belmont, Chicago, Il.—4-30-79.
121. Larry's Standard, 809 W. Green, Urbana, Il.—4-30-79.
122. Checker Oil Co., 4900 W. State, Rockford, Il.—5-1-79.
123. Hall's Arco, 1228 E. Dundee, Palatine, Il., 5-2-79.
124. B & W Service, Rt. 30 & 54, Matteson, Il. 5-2-79.
125. Laurie's Standard, Rt. 30 & 45, Frankfort, Il., 5-2-79.
126. Leslie Car Wash, 375 Roosevelt, Glen Ellyn, Il., 5-3-79.
127. Vaughn's Arco, 34801 Ridge, Willoughby, Oh., 4-20-79.
128. Boehm's Sunoco, 8498 E. Washington, Chagrin Falls, Oh., 4-30-79.
129. Bexley Mobil, 2570 E. Main, Columbus, Oh., 5-1-79.
130. Stapleton Auto, 3380 E. Main, Columbus, Ohio, 5-2-79.
131. Auto Care Serv., 5505 St. Clair, Cleveland, Oh., 5-3-79.
132. Bill Serv. Cntr., 60 S. Orchard, Park Forest, Il., 5-4-79.
133. A & A Texaco, 1790 N. Milwaukee, Libertyville, Il., 5-4-79.
134. Mels's Standard, Rt. 2 Box 277, Longrove, Il., 5-4-79.
135. Wheaton Shell, 700 E. Roosevelt Rd., Wheaton, Il., 5-4-79.
136. South Main Shell, 325 S. Main, Wheaton, Il., 5-4-79.
137. McShane Mobil, 3471 Lee Rd., Shaker Heights, Il., 5-4-79.
138. Hassan Dabaja Shell, 15430 W. Warren, Dearborn, Mi., 5-1-79.
139. James Carmen Shell, 22210 Outer, Dearborn, Mi., 5-1-79.
140. Highland Park Gulf, 16070 Woodward, Highland Park, Mi., 5-2-79.
141. MacAllen Goddard Standard, 19142 Goddard, Southgate, Mi., 5-2-79.
142. Consolidated Auto Serv., 11006 Allen, Taylor, Mi., 5-2-79.
143. Henry Bethume, 460 Biddle, Wyandotte, Mi., 5-3-79.
144. Hur's Mobil, 6050 Mr. Elliott, Detroit, Mi., 5-3-79.
145. John's Shell, 1701 E. Grand, Detroit, Mi., 5-3-79.
146. Grand River Gulf, 5690 Grand River, Detroit, Mi., 5-3-79.
147. Sun Ray Standard, 3444 Ruth, St. Paul Minn., 5-1-79.
148. Worthington Shell, 6568 N. High, Columbus, Oh., 5-7-79.
149. Joe Nader Mobil, 5801 Tamarack, Columbus, Oh., 5-7-79.
150. Eastmore Gulf, 2965 E. Main, Columbus, Oh., 5-8-79.
151. Karl's Sohio, 27303 Detroit, Westlake, Ohio, 5-8-79.
152. Bud's Exxon, 4901 E. Main, Columbus, Oh., 5-9-79.
153. Tony's Shell, I-70 & State Rt. 256, Reynoldsbury, Oh., 5-9-79.
154. Brookgate Arco, 15050 Snow Rd., Brookpark, Oh., 5-10-79.
155. Matthew George Sylvester, 15149 Snow Rd., Brookpark, Oh., 5-10-79.
156. William Leek Union 76, 5878 Smith Rd., Brookpark, Oh., 5-10-79.
157. William Gallagher Shell, 11701 Clifton, Lakewood, Oh., 5-10-79.
158. Cal's Exxon, 360 S. Hamilton, Gahanna, Oh., 5-10-79.
159. Broad & Nelson Shell, 1884 Broad, Columbus, Oh., 5-10-79.
160. Bope's Shell, 2676 Cleveland Ave., Columbus, Oh., 5-10-79.
161. Dave & Mark's Arco, 5735 Maple Canyon, Columbus, Oh., 5-10-79.
162. Lakewood Shell, Madison & Warren, Lakewood, Oh., 5-11-79.
163. L.A. Meme Sohio, 2285 Warren, Lakewood, Oh., 5-11-79.
164. McKenzie Texaco, 955 E. Dublin-Grandville Rd., Columbus, Oh., 5-11-79.
165. Tel-12 Mobil, 29014 Telegraph, Southfield, Mich., 5-8-79.
166. Southwest Standard, 1508 W. Bristol, Flint, Mich., 5-10-79.
167. Frank's Service Cntr., 5564 Woodward, Detroit, Mich., 5-8-79.
168. Woodward Glendale Standard, 12551 Woodward, Detroit, Mich., 5-8-79.
169. Bashi Shell, 19420 Woodward, Detroit, Mich., 5-8-79.
170. Woodward & Carmel Serv., 19390 Woodward, Detroit, Mich., 5-8-79.
171. Richard Krausemann Gulf, 16820 Kercheval, Crosspoint, Mi., 5-7-79.
172. I-75 & Warren Shell, 930 E. Warren, Detroit, Mich., 5-7-79.
173. Murphy Mobil, 1001 E. Warren, Detroit, Mich., 5-7-79.
174. Carpenters Standard, 714 E. Warren, Detroit, Mich., 5-7-79.
175. J & I Service, 3001 Russell, Detroit, Mich., 5-8-79.
176. Auto Potect, 6080 Chaney, Detroit, Mich., 5-8-79.
177. D & D Enterprises, 1420 Washtenaw, Ypsilanti, Mich., 5-10-79.
178. Bellville & I-94 Shell, 11530 Bellville, Bellville, Mi., 5-10-79.
179. Blinski's Rental Inc., 7358 Stoney Island Chicago, Il., 5-11-79.
180. Bollings Shell, 7859 S. State, Chicago, Il., 5-11-79.
181. R.W. Standard, 53 W. 79th, Chicago, Il., 5-11-79.
182. Bob's Wheaton Union 76, 926 Roosevelt, Wheaton, Il., 5-11-79.
183. Irving & Paulina Mobil, 1622 W. Irving, Chicago, Il., 5-10-79.
184. Lawrence & Ashland Shell, 4800 N. Ashland, Chicago, Il., 5-10-79.
185. Fred's Standard, 1205 Wolf Rd., Des Plaines, Il., 5-10-79.
186. B & D Almarc, Belmont & Devon, Chicago, Il., 5-9-79.
187. Mt. Prospect Standard, Dempster & Rt. 83, Mt. Prospect, Il., 5-9-79.
188. Milwaukee & Dearfield Standard, 1105 Milwaukee, Dearfield, Il., 5-9-79.
189. Dan's Super 100, 3435 W. 211th, Matteson, Il., 5-8-79.
190. Chester's Standard, Rt. 30 & WEstern, Chicago Heights, Il., 5-8-79.
191. Rex's Mobil, Rt. 30 & Western, Chicago Heights, Il., 5-8-79.
192. Clark Touhy Standard, 7136 N. Clark, Chicago, Il., 5-7-79.
193. Parking Stations, 30 E. Ontario, Chicago, Il., 5-7-79.
194. Grove Standard, 809 E. 162nd St., South Holland, Il., 5-7-79.

176. Old Town Plaza, 130 W. North Ave., Chicago, Il., 5-7-79
177. Arco on the Ryna, 8701 S. State, Chicago, Il., 5-9-79
178. Gas House Standard, 7980 Clayton Rd., St. Louis, Mo., 5-10-79
179. Carrollton Shell, 12401 Natural Bridge, St. Louis, Mo., 5-10-79
180. Page Industrial Shell, 10334 Page, St. Louis, Mo., 5-10-79
181. Barretts Standard, 1590 S. Florissant, Florissant, Mo., 5-16-79
182. Circle Standard, 9401 Halls Ferry, St. Louis, Mo., 5-16-79
183. Gary's Army Post Standard SE, 14th & Army Post Rd., Des Moines, IA, 5-7-79
184. G&S Arco, 5657 S. Cottage Grove, Chicago, Il., 5-18-79
185. Grand & Ashland Shell, 1535 W. Grand, Chicago, Il. 5-17-79
186. Reed's Shell, 801 Cicero, Chicago, Il. 5-17-79
187. Jordan Serv., 22 W. 535 75th, Naperville, Il. 5-17-79
188. John's Super Shell, 7900 S. Lafayette, Chicago, Il., 5-17-79
189. Bill's Arco, 601 E. Sibley, Calumet City, Il., 5-17-79
190. Monterrey 66, 2335 S. Western, Chicago, Il., 5-17-79
190. Root Bros Standard, 631 N. LaSalle, Chicago, Il., 5-16-79
191. Fred's Clark, 251 N. North Hwy., Palatine, Il., 5-15-79
192. Hickory Hills Arco, 8800 W. 87th, Hickory Hills, Il., 5-15-79
193. Jack's Standard, 79th & Clark, Justice, Il., 5-15-79
194. Charley's Super Shell, 5501 S. Damen, Chicago, Il., 5-15-79
195. Ashland & Grand Arco, 505 N. Ashland, Chicago, Il., 5-14-79
196. Pulaski Texaco, 5849 S. Pulaski, Chicago, Il., 5-14-79
197. Cornutes Gulf, 112 Jefferson, Columbus, Oh., 5-14-79
198. Kelley's Union 76, 2121 W. Mound, Columbus, Oh., 5-15-79
199. Northland Gulf, 4407 Cleveland, Columbus, Oh., 5-18-79
200. Bryie's Shell, 2301 Sherman, Ft. Wayne, In., 5-17-79
201. Tony & Bill's Sunoco, 1624 Sipy Run, Ft. Wayne, In., 5-17-79
202. Knox's Shell, 2702 S. Clinton, Ft. Wayne, In., 5-17-79
203. Worthington Hills Exxon, 7801 Olentary, Worthington, Oh., 5-14-79
204. Mack's Exxon, 2265 Dakin, Columbus, Oh., 5-14-79
205. Mosaic Bros. Shell, 1509 Lockbourne, Columbus, Oh., 5-18-79
206. Maplewood Mobil, 8316 Stellhorn, Ft. Wayne, In., 5-15-79
207. Clarks Phillip 66, 602 E. Jefferson, Ft. Wayne, In., 5-15-79
208. Gouty's Marathon, 3500 Broadway, Ft. Wayne, In., 5-15-79
209. Crestwood Texaco, 5830 N. Clinton, Ft. Wayne, In., 5-17-79
210. Ed's Sunoco, 2304 N. Wells, Ft. Wayne, In., 5-17-79
211. Hartsel's Sohio, 508 Center Rd., Avon Lake, Oh., 5-18-79
212. Haesele Sunoco, 2396 N. Ridge, Elyria, Oh., 5-18-79
213. Mesnard Shell, 4975 Washtenaw, Ann Arbor, MI, 5-14-79
214. Wm. Rampe Shell, 1800 Plymouth, Ann Arbor, MI, 5-14-79
215. SPC, 12 Mile & Greenfield, Southfield, MI, 5-16-79
216. SPC, 11 Mile & Coolidge Oaks Park, MI, 5-15-79
217. Ed Deyo & Sons Mobil, 25010 Mound, Warren, MI, 5-16-79
218. 12 Mile & Mound Shell, 5920 12 Mile Warren, MI., 5-14-79
219. 14 Mile & Mound Mobil, 32941 Mound Warren, MI., 5-15-79
220. Howard's S. Shell, 4016 S. Telegraph, Bloomfield Hills, 5-17-79
221. Davidson Oil #6, 4017 E. Bristol, Flint, MI, 5-16-79
222. Beecher-Mill Standard, G-4482 Beecher Rd., Flint, MI, 5-17-79
223. Tri-City Standard, 19440 10 Mile Rd. E., Detroit Mi., 5-15-79
224. Larry's Standard, 27030 Gratiot Roseville, 5-15-79
225. Rocky River Shell, 20045 Lake Rd., Rocky River Oh., 5-21-79
226. Hudson Marathon, 237 N. Main, Hudson, Oh. 5-21-79
227. Opal's Union 76, 19765 Lake Rd., Rocky River, Oh., 5-21-79
228. Cappiccioni's Arco, 20249 Lake Rd., Rocky River, Oh., 5-21-79
229. Ward's Sunoco, 3535 Sullivant, Columbus, Oh., 5-23-79
230. Maplewood Plaza Shell, 6132 Stillhorn, Ft. Wayne, Ind., 5-23-79
231. Industrial Park Shell, 4933 Lima Rd., Ft. Wayne, Ind., 5-23-79
232. Hudson Exxon, 45 W. Streetsboro, Hudson, Ohio, 5-25-79
233. Dick's Service, 119th & I-35, Overland Park, KS., 5-21-79
234. Berro Shell, 11011 Telegraph, Taylor, Mich, 5-25-79
235. Nick's Amoco, 2995 Livernois, Troy, Mich., 5-21-79
236. Troy's Standard, 2820 Rochester, Troy, Mich., 5-21-79
237. Forward Car Wash, 1615 N. Saginaw, Midland, Mich., 5-23-79
238. Harvey's Phillips '66, 2 E. 87th, Chicago, Il., 5-25-79
239. Harlem Shell, 7901 S. Harlem, Oak Lawn, Il., 5-25-79
240. Western Avenue Shell, 7858 Western, Chicago, Il., 5-25-79
241. Division & Central Shell, 1201 N. Central, Chicago, Il., 5-22-79
242. Grand Cicero Shell, 4755 W. Grand, Chicago, Il., 5-22-79
243. Venture Standard, 3402 S. Archer, Chicago, Il., 5-21-79
244. North & LaSalle Standard, 1600 N. LaSalle, Chicago, Il., 5-21-79
245. Brentwood Square Standard, 1511 Brentwood, Brentwood, Mo., 5-29-79
246. Albano Service, 3954 W. Division, Chicago, Il., 5-29-79
247. Pulaski Service Cntr., 1230 N. Pulaski, Chicago, Il., 5-29-79
248. Big Two Super Shell, 2941 E. 83rd, Chicago, Il., 5-29-79
249. Chicago Beech Standard, 5448 S. Cornell, Chicago, Il., 5-31-79
250. Metro Ajax Rent-A-Car, 1525 E. 78th St., Bloomington, Mn., 5-29-79

[FR Doc. 79-21347 Filed 7-10-79; 8:46 am]

BILLING CODE 6450-01-M

Fagadau Energy Corp.; Action Taken on Consent Order**AGENCY:** Economic Regulatory Administration, Department of Energy.**ACTION:** Notice of action taken and opportunity for comments on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account. Established pursuant to the Consent Order.

DATES: Effective date: June 26, 1979. Comments by: August 10, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [phone] 214/749-7626.

SUPPLEMENTARY INFORMATION: On June 26, 1979, the Office of Enforcement of the ERA executed a Consent Order with Fagadau Energy Corporation of Dallas, Texas. Under 10 C.F.R. 205.199(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Fagadau Energy Corporation wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Fagadau Energy Corporation effective as of the date of its execution by the DOE and Fagadau Energy Corporation.

I. Consent Order

Fagadau Energy Corporation is a firm engaged in the processing of natural gas and sale of natural gas liquids and natural gas liquid products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve

certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of NGLs and NGL products, the Office of Enforcement, ERA, and Fagadau Energy Corporation entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1973 through October 1976 and it included all sales of natural gas liquids and natural gas liquid products which were made during that period.

2. Fagadau Energy Corporation improperly apply the provisions 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts E and K, when determining the prices to be charged for its natural gas liquids and natural gas liquid products; and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customer.

3. In order to expedite resolution of the disputes involved, the DOE and Fagadau Energy Corporation have agreed to a settlement in the amount of \$133,000. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Fagadau Energy Corporation.

4. Because sales of the natural gas liquids and natural gas liquid products were made to a reseller and the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Fagadau Energy Corporation agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of \$83,985 on or before January 26, 1980. The remaining portion of the \$133,000 settlement (\$49,015) has previously been returned to the marketplace in the form of a cash refund to the initial purchaser. The amount to be refunded (\$83,985) will be made in 4 payments over a period of seven months in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 749-7626.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Fagadau Energy Corporation Consent Order." We will consider all comments we receive

by 4:30 p.m., local time, on August 10, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 2nd day of July, 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-21352 Filed 7-10-79; 8:45 am]

BILLING CODE 6450-01-M

Hixon Development Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: June 25, 1979.

COMMENTS BY: August 10, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235—(214) 749-7626.

SUPPLEMENTARY INFORMATION: On June 25, 1979, the Office of Enforcement of the ERA executed a Consent Order with Hixon Development Company of Houston, Texas. Under 10 CFR § 205.199J(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Hixon Development Company, with its office located in San Antonio, Texas, is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the

Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Hixon Development Company, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September, 1973 through December, 1977 and it included all sales of crude oil which were made during that period.

2. Hixon Development Company improperly applied the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart D, when determining the prices to be charged for crude oil; and as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Hixon Development Company have agreed to a settlement in the amount of \$45,000.00. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Hixon Development Company.

4. Because the sales of crude oil were made to refiners and the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with CFR Part 205, Subpart V as provided below.

5. The provisions of 10 CFR § 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Hixon Development Company agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of \$45,000.00 on or before July 31, 1980. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR § 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum

industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR § 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR § 205.199I(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 749-7626.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Hixon Development Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 10, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR § 205.9(f).

Issued in Dallas, Texas on the 2nd day of July, 1979.

Wayne I. Tucker,

District Manager of Enforcement, Southwest District Economic Regulatory Administration.

[FR Doc. 79-21350 Filed 7-10-79; 8:45 am]

BILLING CODE 6450-01-M

R. Lacy, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: June 29, 1979.

COMMENTS BY: August 10, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P. O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone 214/749-7626.

SUPPLEMENTARY INFORMATION: On June 29, 1979, the Office of Enforcement of the ERA executed a Consent Order with R. Lacy, Inc. of Longview, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and R. Lacy, Inc. wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with R. Lacy, Inc. effective as of the date of its execution by the DOE and R. Lacy, Inc.

I. Consent Order

R. Lacy, Inc. with its home office in Longview, Texas is a firm engaged in the production and sale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Part 210, 211, 212. The Office of

Enforcement of the Economic Regulatory Administration (ERA) and R. Lacy, Inc. entered into a Consent Order to resolve certain civil actions which could be brought by ERA as a result of its audit of the crude oil sales by R. Lacy, Inc. This Consent Order settles those matters relative to R. Lacy, Inc.'s production and sale of crude during the period September 1, 1973 through December 31, 1977.

The significant terms of the Consent Order with R. Lacy, Inc. are as follows:

1. R. Lacy Inc. improperly applied the provisions of 10 CFR 212.73 and its predecessor, 6 CFR § 150.353 when determining the prices to be charged for certain domestic crude oil.

2. R. Lacy, Inc. understands and agrees to refund \$40,472.32 plus interest to the DOE by certified check. This amount is in full settlement of any and all civil liability within the jurisdiction of the DOE in regard to actions that might be brought by the DOE arising out of the specified transactions for the following properties:

M. H. Cox
Rappe
G. Maberry
J. G. Shamburger

3. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

Refunded overcharges as described in 2. above will begin on the first day of the month immediately after the signing of the Consent Order and continue every three months thereafter until fully paid. Delivery of such payments shall be to the Assistant Administrator for Enforcement, Economic Regulatory Administration, in the form of a certified check made payable to the United States Department of Energy.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "person" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical

impossibility to identify specific, adversely affected person, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199](a).

III. Submission of Written Comments

Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established.

Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/749-7626.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on R. Lacy, Inc. Consent Order." We will consider all comments we receive by 4:30 p.m., local time, August 10, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 29th day of June 1979.

Wayne I. Tucker,

District Manager of Enforcement, Southwest District Office, Economic Regulatory Administration.

[FR Doc. 79-21348 Filed 7-10-79; 8:45 am]

BILLING CODE 6450-01-M

Triton Oil and Gas Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: June 27, 1979. Comments by August 10, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235 [phone] 214/749-7626.

SUPPLEMENTARY INFORMATION: On June 27, 1979, the Office of Enforcement of the ERA executed a Consent Order with Triton Oil and Gas Corporation of Dallas, Texas. Under 10 CFR 205.199](b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Triton Oil and Gas Corporation wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Triton Oil and Gas Corporation effective as of the date of its execution by the DOE and Triton Oil and Gas Corporation.

I. The Consent Order

Triton Oil and Gas Corporation, with its home office in Dallas, TX, is a firm engaged in the production and sale of natural gas liquids (NGL) and natural gas liquid products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of NGL's and NGL products, the Office of Enforcement, ERA, and Triton Oil and Gas Corporation entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1973 through July 1976,

and it included all sales of a mixed NGL stream to Tenneco Oil Company and sales of natural gas liquid products consisting of propane, butane and natural gasoline to American Oil Company, Cities Service Oil Company and Dorchester Gas Processing Company.

2. Triton Oil and Gas Corporation improperly applied the provisions of 6 CFR, Part 150, Subpart L, and 10 CFR, Part 212, Subparts E and K, when determining the prices to be charged for its NGL and NGL products, and as a consequence the above firms were overcharged on some of their purchases.

3. Triton Oil and Gas Corporation agrees to refund to the DOE \$58,973 plus interest within 30 days of the effective date of the Consent Order. The interest rates are those officially set by DOE and will be computed from the month of overcharge through the date of the refund.

4. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Triton Oil and Gas Corporation agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1 above, the sum of \$58,973 within 30 days of the effective date of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so

diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

b. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/749-7626.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Triton Oil and Gas Corporation Consent Order." We will consider all comments we receive by 4:30 pm local time, on August 10, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, TX on the 2nd day of July, 1979.

Wayne I. Tucker,

District Manager of Enforcement, Southwest District Office, Economic Regulatory Administration.

[FR Doc. 79-21351 Filed 7-10-79; 8:45 am]

BILLING CODE 6450-01-M

[6450-01]

Mandatory Petroleum Price Regulations; Delegation of Enforcement Authority to the Commonwealth of Kentucky

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Delegation order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has delegated to the Attorney General of Kentucky the authority to enforce the provisions of 10 C.F.R. Subpart F, Part 212, and ancillary provisions of DOE regulations, with respect to the pricing practices of independent retailers of gasoline in Kentucky.

EFFECTIVE DATE: July 4, 1979.

FOR FURTHER INFORMATION CONTACT: William Webb (Office of Public Information), Room B-110, 2000 M Street, NW., Washington, D.C. 20461 (202) 634-2170.

Leon Snead, Office of Enforcement Policy and Planning, Economic Regulatory Administration, Room 5204C, 2000 M Street, NW., Washington, D.C. 20461. (202) 254-6990.

SUPPLEMENTARY INFORMATION:

I. Delegation of Authority and Letter to Attorney General of Kentucky

II. Governor of Kentucky's Correspondence Requesting Authority from DOE

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

David J. Bardin,

Administrator, Economic Regulatory Administration.

Department of Energy

Delegation Order No. 0204-4-R4 to the Attorney General of the Commonwealth of Kentucky

Pursuant to the authority vested in me as Administrator of the Economic Regulatory Administration (ERA) by the Department of Energy Organization Act (Pub. L. 95-91) and Delegation Order No. 0204-4 from the Secretary of Energy (delegating enforcement authority), there is hereby delegated to the Attorney General of Kentucky, in accordance with the provisions of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159), as amended, the authority vested in me by law to enforce the provisions of 10 C.F.R. Subpart F, Part 212, and ancillary provisions of DOE regulations, with respect to the pricing practices of independent retailers of gasoline in Kentucky. The ancillary provisions are 10 C.F.R. 210.61, 210.62, 210.92; and 10 C.F.R. 212.128, 212.129.

The authority delegated herein to the Attorney General of Kentucky shall authorize him to:

A. Take all investigatory and administrative enforcement action which is

available to the ERA under 10 C.F.R. 210.91 and 10 C.F.R. 205 of DOE regulations.

B. Further delegate this authority, in whole or in part, as may be appropriate.

In exercising the authority delegated by this Order, the delegate shall be governed by the rules and regulations of the DOE and the policies and procedures prescribed by the Secretary of Energy, the Administrator of the Economic Regulatory Administration, and the Assistant Administrator for Enforcement.

There is no delegation to the Attorney General of the Commonwealth of Kentucky of the authority to issue rules or regulations.

Nothing in this order precludes the Administrator of the ERA from exercising any of the authority so delegated whenever in his judgment his exercise of such authority is necessary or appropriate to administer the functions vested in him.

Further, nothing in this order precludes the Administrator of the ERA from withdrawing the delegated authority at any time.

This order is effective July 4, 1979.

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

David J. Bardin,

Administrator, Economic Regulatory Administration.

Department of Energy

July 3, 1979.

Hon. Robert Stevens, Attorney General of Kentucky, Frankfort, Ky. 40601

Dear Mr. Attorney General: As requested by Governor Carroll in his correspondence of June 27, 1979, we are delegating to you on a trial basis the authority to enforce gasoline prices at the retail level within the Commonwealth of Kentucky. We believe that the added resources of the Commonwealth in the enforcement of price regulations at the retail level will bring greater protection to the consumer. There is all the more need for such increased protection in light of current market uncertainties.

In conjunction with this delegation, I am requesting that your office provide the Assistant Administrator for Enforcement with a periodic status report. By this means, both Kentucky Commonwealth officials and the Department of Energy can keep abreast of the progress we are making with this program.

I understand that the Office of Enforcement is working with the appropriate Kentucky officials to arrange for appropriate training. We will be glad to provide any further assistance you desire in setting up the enforcement program.

Please have your staff call Mr. Barton Isenberg, Assistant Administrator for Enforcement, (202) 254-8740, if you would like to discuss this matter further.

Sincerely,

David J. Bardin,

Administrator, Economic Regulatory Administration.

June 27, 1979

David J. Bardin, Administrator/Economic Regulatory Administration, U.S. Department of Energy, Washington, D.C. 20461

Pursuant to Delegation Order No. 0204-4 from the Secretary of Energy, I am requesting that the Kentucky Attorney General be granted the authority to enforce the Emergency Petroleum Allocation Act of 1973, 10 CFR Subpart F, Part 212, and ancillary provisions of Department of Energy regulations, with respect to the pricing practices of independent retailers of gasoline in Kentucky. I have been advised that some retailers in Kentucky are charging prices for gasoline in excess of the federally authorized maximum price. Should this practice be allowed to continue, the buying public will be detrimentally affected; therefore, deterrent action needs to be taken as soon as possible.

Your immediate attention concerning this matter is needed and greatly appreciated.

Sincerely,

Julian M. Carroll,

Governor/Commonwealth of Kentucky, State Capitol Building, Frankfort, Ky. 40601

[FR Doc. 79-21371 Filed 7-10-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-054]

Orange & Rockland Utilities, Inc.; Application for Certification on the Use of Natural Gas To Displace Fuel Oil

Take notice that on June 27, 1979, Orange and Rockland Utilities, Inc. (Orange and Rockland), One Blue Hill Plaza, Pearl River, New York, 10965, filed an application for certification of an eligible use of natural gas to displace fuel oil at its Lovett Plant generating station and/or the Bowline Point generating facility pursuant to 10 CFR Part 595 (44 FR 20398, April 15, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 6317-B, 2000 M Street, N.W., Washington, D.C., 20461, from 8:30 a.m.-4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Orange and Rockland states that the volume of natural gas for which it requests certification is approximately 50,000 Mcf per day for the four month period between July 1, 1979 October 31, 1979, and the eligible seller is East Tennessee Natural Gas Company, P.O. Box 10245, Knoxville, Tennessee, 37919. This natural gas will displace the use of approximately 600,000 barrels of No. 6 fuel oil (0.37 percent sulfur) at Orange and Rockland's Lovett Plant and Bowline Point facilities and will be transported by Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas, 77001.

In order to provide the public with as much opportunity to participate in this

proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 6318, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before July 23, 1979. 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 on or before July 23, 1979. 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 Orange and Rockland and any persons filing comments, and published in the Federal Register.

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

T. Wendell Butler,

Acting Assistant Administrator, Office of Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-21456 Filed 7-10-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER78-307]

Utah Power & Light Co.; Rate Filing

June 28, 1979.

The filing Company submits the following:

Please take notice that Utah Power & Light Company (Utah Power) on June 1, 1979, tendered for filing a Service Agreement under which Utah Power will sell and deliver thermal energy to Washington Water Power Company (Washington) in accordance with Utah Power's Service Schedule, Utah-1A, ICP Contract (Designated in the Commission's files as Utah Power's Rate Schedule F.E.R.C. No. 112). Utah Power requests that the filing be made retroactively effective as of February 24, 1977. The only sales under the Agreement were made during the two-month period July and August, 1977.

The Service Agreement was filed in response to a condition contained in Commission Notice dated August 5, 1977, in which Service Schedule-1A was accepted for filing (F.E.R.C. Docket

No. ER77-165) as Supplement No. 1 to Rate Schedule F.E.R.C. No. 112. Any service agreement involving another purchaser or different billing conditions will require an additional filing with F.E.R.C., including appropriate cost support. Copies of the filing were served on all members of the ICP-R Pool, and on the State Regulatory Commission of Utah, Idaho and Wyoming.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 12, 1979. Comments 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. 79-21412 Filed 7-10-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Notice of Issuance of Proposed Decisions and Orders; June 4 Through June 8, 1979

Notice is hereby given that during the period June 4 through June 8, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or

law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except federal holidays.

July 3, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Belco Petroleum Co., Houston, Tex., DXE-2251, crude oil. Belco Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm requests that it be permitted to sell certain of the crude oil produced from the White River Unit Green River Participating Area "B" Secondary Water Flood Unit, located in Uintah County, Utah, at prices in excess of the applicable ceiling price levels. On June 5, 1979, the DOE issued a Proposed Decision and Order which determined that the Belco exception request should be granted.

Chevron U.S.A. Inc., San Francisco, Calif., DXE-2800, crude oil. Chevron U.S.A. Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Huntington Unit for the benefit of the working interest owners at upper tier ceiling prices. On June 8, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's request.

Chevron U.S.A. Inc., San Francisco, Calif., DEE-1953, crude oil. Chevron U.S.A. Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling price levels the oil produced from the Tognazzini Lease located in the Gato Ridge Field in Santa Barbara County, California. On June 8, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

General Motors Corp., Detroit, Mich., DEE-2569, motor gasoline. General Motors Corporation filed an Application for Exception which, if granted, would result in the issuance of an Order permitting the firm to purchase and use for testing purposes its current requirement of "certification quality" unleaded gasoline from Chevron U.S.A., Inc. On June 4, 1979, the DOE issued a Proposed Decision and Order in which it tentatively concluded that GM should be permitted to purchase a certain volume of the Chevron fuels each month for testing automobiles and

components for compliance with regulatory requirements.

Fannon Petroleum Services, Inc., Alexandria, Va., DEE-3884, gasohol. Fannon Petroleum Services, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit the firm to receive an increase in its allocation of unleaded gasoline for the express purpose of manufacturing gasohol. On June 8, 1979, the DOE issued a Proposed Decision and Order in which it granted the applicant's request and directed the Gulf Oil Corporation to supply Fannon Petroleum Services, Inc. with 144,000 gallons of unleaded gasoline per month from June 1979 through May 1980.

Goldking Production Co., Houston, Tex., DEE-2177, crude oil. Goldking Production Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm requested that it be permitted to sell certain volumes of the crude oil produced from the MOPAC Lease, located in Jackson County, Texas at upper tier ceiling prices. On June 8, 1979, the DOE issued a Proposed Decision and Order which determined that the Goldking exception request be granted.

Pennzoil Producing Co., Houston, Tex., DXE-5523, crude oil. Pennzoil Producing Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Woodruff Sand Waterflood Unit for the benefit of the working interest owners at upper tier ceiling prices. On June 8, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Woodruff Sand Unit.

Pennzoil Producing Co., Houston, Tex., DXE-5523, crude oil. Pennzoil Producing Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the McGraw-Stevens Waterflood Unit for the benefit of the working interest owners at upper tier ceiling prices. On June 8, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's McGraw-Stevens Unit.

Phillips Petroleum Co., Bartlesville, Okla., DXE-2173, crude oil. Phillips Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Evelyn "A" Lease for the benefit of the working interest owners at upper tier

ceiling prices. On June 5, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Evelyn "A" Lease.

Phillips Petroleum Co., Bartlesville, Okla., DXE-2171, crude oil. Phillips Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Foote Lease for the benefit of the working interest owners at market price levels and the remaining crude oil production at upper tier ceiling prices. On June 5, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Foote Lease.

Prudential Insurance Co. of America, Los Angeles, Calif., DEE-6080, motor gasoline. The Prudential Insurance Company of America filed an Application for Exception in which it requested an increased allocation of motor gasoline. On June 6,

1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Triangle J. Oil Co., Denver, Colo., DEE-3141, crude oil. The Triangle J. Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Triangle to retroactively adjust its base production control level for the State lease in order to relieve the firm of a portion of its obligation to refund overcharges incurred in 1975 and 1978. On June 8, 1979, the DOE issued a proposed Decision and Order which determined that the exception request be denied.

Union Oil Co. of California, Los Angeles, Calif., DEE-2022, crude oil. The Union Oil Company of California filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm requested on behalf of the working interest owners that it be permitted to sell at market price levels the crude oil produced from the Coalinga Nose Unit located in Fresno County, California. On June 5, 1979, the DOE issued a Proposed Decision and Order in which it was determined that the Union request be granted in part.

on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1978 report; the backlog of reports should be eliminated over the next three months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: July 2, 1979.

Peter L. Cook,

Acting Director, Office of Environmental Review.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of June 4 Through June 8, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company name	Case No.	Location
Castro Valley.....	DEG-3059.....	Castro Valley, Calif.
Dupont Arco.....	DEE-5357.....	Bristol, R.I.
Marblehead Services, Inc.....	DEE-2471.....	Marblehead, Mass.
H. L. Mills Petroleum.....	DEE-2997.....	Washington, D.C.

[FR Doc. 79-21349 Filed 7-10-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1268-5]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment

contained in the following appendices during the period of February 1, 1978 and February 28, 1978.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments

Appendix I.—Draft Environmental Impact Statements for Which Comments Were Issued Between Feb. 1 and Feb. 28, 1978

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
D-COE-D28003-00	Potomac River Water Supply Structures, Virginia and Maryland	EU2	D
DS-COE-E35026-MS	Vicksburg Harbor, Warren County, Miss	LO2	E
D-COE-E36052-GA	Peachtree and Nancy Creeks Flood Damage Reduction, Atlanta, Fulton, and De Kalb Counties, Ga.	LO2	E
D-COE-F35022-MI	Sebewaing River, Operation and Maintenance, Confined Disposal, Mich	ER2	F
D-COE-G32028-TX	Freeport Harbor Navigation Project, Enlargement and Maintenance, Brazoria County, Tex	3	G
D-COE-L36054-OR	Construction and Operation, Pacific Fabricators Steel Structure Fabrication Yard at Warrenton, Clatsop County, Oreg.	ER2	K
DEPARTMENT OF AGRICULTURE			
D-AFS-D61007-WV	Proposed Development, Spruce Knob Lakes Recreation Complex, Monongahela National Forest, Randolph County, W.Va.	ER2	D
D-AFS-J65069-MT	Land Management Plan, East Shore and Flathead Lake, Flathead National Forest, Mont	ER1	I
D-AAFS-L82003-ID	Western Spruce Budworm, Boise and Payette National Forests and Private Lands, McCall and Cascade, Idaho (USDA-FS-R4-78-2).	LO2	K
D-SCS-B36016-CT	Neck River Watershed, New Haven County, Conn	LO1	B
D-SCS-E36049-TN	Middle Fork and Obion River Watershed Project, Henry and Weakley Counties, Tenn. (USDA-SCS-EIS-WS-(ADM)-2-D-TN).	ER2	E
D-SCS-F36052-MN	South Fork, South Zumbro River Watershed, Dodge and Olmstead Counties, Minn	LO1	F
D-SCS-J36012-D	Roseville Flood Prevention, Trail County, N.D.	3	I
D-AFS-L61100-OR	Hebo Planning Unit, Siuslaw National Forest, Lincoln, Tillamook, and Yamhill Counties, Oreg. (USDA-FS-R6-DES(AMD)-78-3).	LO2	K
D-AFS-L61102-ID	Island Park Planning Unit, Targhee National Forest, Fremont County, Idaho (USDA-FS-DES(ADM)R4-78-3).	LO2	K
D-AFS-L65036-ID	Silvicultural Treatments with Herbicides, North Idaho Forests, Idaho (USDA-FS-DES-R-1-(ADM).	ER2	K
DEPARTMENT OF INTERIOR			
DS-IBR-H31001-NB	O'Neill Unit, Lower Niobrara Division, Pick Sloan Missouri Basin Program, Nebr	ER3	H
D-NPS-E61024	General Management Plan, Biscayne National Monument, Fla. (DES-77-35)	LO2	E
D-BPA-L08029-00	Pacific Northwest Power Supply System, Participation in the Hydro-Thermal Power Program (DES-77-21).	LO2	K
D-BPA-L08030-OR	The Alumax, Construction and Operation, Primary Aluminum Plant, Umatilla, Oreg. (DES-77-21).	LO2	K
DEPARTMENT OF TRANSPORTATION			
D-FAA-E51025-AL	Walker County Airport, Jasper, Ala.	LO2	E
D-FAA-F51013-IL	Land Acquisition, Runway Extension and Related Airport Improvements, Lansing Municipal Airport, Cook and Lake Counties, Ill.	LO1	F
D-FAA-G51005-NM	West Mesa Airport, Bernalillo County, N. Mex	LO2	G
DA-FHW-A41747-HI	Interstate Route 3, HI 3, North Halawa Valley Alignment, Halawa to Halekou Interchange, Oahu, Honolulu County, Hawaii.	3	J
D-FHW-B40028-VT	VT-127, Burlington to Colchester, Chittenden County, VT. (FHWA-VT-EIS-77-01-D)	LO2	B
D-FHW-B40030-NH	U.S. and N.H.-11, Franklin to Laconia, New Hampshire (FHWA-NH-77-02-D)	ER2	B
D-FHW-E40130-FL	Beaver Street, FL-100 to U.S. 90, Duval County, Fla. (FHWA-FLA-EIS-77-5-D)	LO2	E
D-FHW-F40104-IN	IN-9, Highway Improvement Near Alexandria, Madison County, Ind.	LO2	F
D-FHW-L40058-AK	Shakwak Highway Improvement Project, Haines Road, Alaska and British Columbia, Canada	LO1	K
GENERAL SERVICES ADMINISTRATION			
D-GSA-D80006-DC	Boiler Conversion and Precipitator Repair at the West Heating Plant, Washington, D.C	ER2	D
D-GSA-K81006-CA	Central Los Angeles Parking Facility, Los Angeles County, Calif.	LO1	J
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-B89009-MA	Lechmere Canal and Triangle Area Development Project, Cambridge, Middlesex County, Mass. (HUD-R01-EIS-77-01-D).	3	B
D-HUD-G85086-TX	Countryside Subdivision, Galveston County, Tex	LO1	G
D-HUD-G85087-TX	Cypress Point Subdivision, Harris County, Tex	LO1	G
D-HUD-G85090-TX	Tallow Wood Subdivision, Harris County, Tex	LO1	G
D-HUD-G85092-TX	Meadow Bend Subdivision, League City, Galveston County, Tex	LO1	G

Appendix II

Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggest only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—Final Environmental Impact Statements for Which Comments Were Issued Between Feb. 1 and Feb. 28, 1978

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-D85001-DE	Lagoon Development in Sussex County, Del.	EPA's review of the final EIS indicates that the project sponsors did not adequately respond to the comments on the draft EIS.	D
F-COE-F06006-WI	Pleasant Prairie Power Plant, Wis.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-F35017-WI	Maintenance and Dredged Material Disposal at Green Bay Harbor, Wis.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-K38018-HI	Kapeakea Homestead Molokai, Hawaii	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF AGRICULTURE			
F-SCS-F36051-WI	Tri-Creek Watershed, Monroe County, Wis.	EPA's concerns were adequately addressed in the final EIS.	F
DEPARTMENT OF DEFENSE			
F-UAF-K0002-AZ	Buried Trench Construction and Test Project, Yuma County, Ariz.	EPA's concerns were adequately addressed in the final EIS.	J
F-USN-E11006-GA	Preferred Alternative Location for a Fleet Ballistic Missile Submarine Support Base, Kings Bay, Ga.	EPA continues to have environmental reservations on the project as proposed. Specifically with the primary and secondary effects of the proposed project on Cumberland Sound and the adjacent national seashore with regard to disposal of spoil material from dredging. It is inferred that the corps will be using the new regulations to evaluate the permit requests for the proposed action at Kings Bay. EPA requests that the criteria planned for use be forwarded for appraisal before any permits are issued.	E
F-USN-A0047-00	1977 Seafarer Extremely Low Frequency (ELF) Communications System, Site Selection and Test Operations.	EPA expressed concern with the project as proposed and the absence of a plan to assess the impact of construction and operation of the Michigan test facility. EPA recommended close coordination in the development and execution of this plan.	A
DEPARTMENT OF TRANSPORTATION			
F-DOT-A41583-PA	LR1127, Section Coo, Water Street Erie County, Pa.	EPA continues to have environmental reservations on the project as proposed. Specifically, EPA's concerns are based on the potential environmental impacts associated with the 400 foot channelization of Four Mile Creek. In addition, EPA suggested that noise and air analysis be considered during ongoing project development.	A
F-FAA-D51009-WV	Greenbrier Valley Airport Lewisburg, W. Va.	EPA's concerns were adequately addressed in the final EIS.	D
F-FHW-B40027-NH	NH-101 Relocation, Canada to Raymond, Rockingham County, N.H.	Generally EPA's concerns were adequately addressed in the final EIS. However, EPA expressed concern about the possible impacts of construction and highway use on water quality.	B
F-FHW-F40054-WI	WI-83, WI-15 to CTN 'NN' Waukesha County, Wis.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-F40068-IL	Carbondale Railroad Relocation Demonstration Program, Illinois.	EPA's concerns were adequately addressed in the final EIS. EPA stated a preference for alternative C, structural fill, for the disposal of the 450-acre feet of material.	F
F-FHW-H40023-NB	NB-370, Bellevue, Sarpy County, Nebr.	EPA's concerns were adequately addressed in the final EIS. However, EPA requested the opportunity to review the final noise study report before noise abatement and project design decisions are made.	H
F-UMT-D54024-MD	Metrobus Garage Facility, Montgomery County, Md.	EPA's concerns were adequately addressed in the final EIS.	D
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-G24004-LA	Marrero to Lafitte, Jefferson Parish, La.	EPA continues to have environmental reservations on the project as proposed. EPA believes that the rewrite or an addendum to several sections of the EIS would be necessary to facilitate the necessary information and data to sufficiently describe the proposed action, purpose and environmental impacts. EPA posed several comments relating to the specific information required.	G
F-HUD-K61017-CA	Vallejo River Park, Vallejo, Salano County, Calif.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA requested several issues raised in the draft comments be given adequate consideration.	J
INTERSTATE COMMERCE COMMISSION			
F-ICC-E53003-MS	Southern Mississippi Transportation Company, Construction and Operation, Railroad, Harrison County, Miss.	EPA has environmental reservations on the project as proposed. Specifically the impact of three major wetland areas and the long-term environmental consequences of the activity as well as any induced secondary development.	E

Appendix IV.—Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Feb. 1 and Feb. 28, 1978

Identifying No.	Title	Source of review
CORPS OF ENGINEERS		
F-COE-H34012-KS.....	Operation and Maintenance of Kanopolis Lake, Ellsworth, McPherson and Saline Counties, Kans.....	H
F-COE-L36053-OR.....	Extension of Tillamook South Jetty, Tillamook Bay, Oreg.....	K
DEPARTMENT OF AGRICULTURE		
F-AFS-L67002-OR.....	Geothermal Development, Breitenbush Area, Willamette and Mountain Hood National Forests, Oregon (USDA-FS-R6-DES-(ADM)-77-3).....	K
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-E85024-GA.....	Martins Crossing Subdivision, De Kalb County, Ga. (HUD-R04-EIS-77-05-F.....	E
F-HUD-E85025-GA.....	Amberly Subdivision, De Kalb County, Ga. (HUD-R04-EIS-77-06-F).....	E
F-HUD-G85046-TX.....	Rolling Green Subdivision, Harris County, Tex.....	G
F-HUD-G85055-TX.....	Westpoint Development, Tarrant County, Tex.....	G
F-HUD-G85066-TX.....	Charterwood Subdivision, Harris County, Tex.....	G
F-HUD-G85069-AR.....	McGehee Water Expansion and Improvements, Dasha County, Ark.....	G
F-HUD-H60001-NB.....	Disposition of Lonergan Lake, Douglas County, Omaha, Nebr. (HUD-R07-EIS-78-10F).....	H

Appendix V.—Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Feb. 1, and Feb. 28, 1978

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
R-COE-A30088-00.....	33 CFR Part 282, Federal Participation in Shore, Hurricane, and Tidal and Lake Flood Protection (43 F.R. 3048).	EPA's comments stated that the proposed regulation appeared equitable from a socio-economic perspective but expressed concern over an absence of environmental policies which would minimize disruption of shore-water interfaces; a lack of guidance for analyzing cumulative impacts; and a failure to relate the regulations to coastal zone management programs.	A
DEPARTMENT OF INTERIOR			
R-NPS-A67014-00.....	36 CFR Part 9, Mineral Management, Comprehensive Regulations, Environmental Assessment, Non-Federal Oil and Gas Rights (42 F.R. 63058).	EPA suggested a few changes to the rulemaking as proposed. The comments reflect environmental soundness as well as procedural changes.	A
NUCLEAR REGULATORY COMMISSION			
A-NRC-A08137-00.....	Standard Review Plans for the Construction Permit Applications for Nuclear Power Plants, Part III (NUREG-0158).	EPA made several comments relating to the development of sound environmental review plans to be considered in the construction of nuclear power plants.	A

Appendix VI

Source for Copies of EPA Comments

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 8th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, GA 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Office of External Affairs, Region 9, Environmental Protection Agency, 213

Fremont Street, San Francisco, California 94108.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 79-21287 Filed 7-10-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1268-2; OPP-66055]

Pesticide Programs; Intent To Cancel Registrations of Certain Pesticide Products

Pursuant to section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in

1972, 1975, and 1978 (92 Stat. 819, 7 U.S.C.), firms listed below have requested that the Environmental Protection Agency (EPA) cancel the registrations of several pesticide products. Such cancellation shall be effective within 30 days after publication of this notice in the Federal Register (August 10, 1979), unless the registrant or an interested person with the concurrence of the registrant, requests that the registration be continued in effect.

The Agency has determined that the distribution and sale of stocks of these products which were produced on or before the effective date of cancellation would not be inconsistent with the purposes of FIFRA and would not have an unreasonable adverse effect on the environment. Therefore, the distribution and sale of existing stocks of these products shall be permitted until the supply is exhausted or for one year after the effective date of cancellation, whichever occurs earlier, provided that these products shall be used only in a manner consistent with the label and labeling registered with EPA. Production of these products after the effective date of cancellation will be considered a violation of FIFRA.

Requests that the registration of these products be continued may be submitted to the Process Coordination Branch, Registration Division (TS-767, Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. Any comments filed regarding this notice of intended cancellation will be available for public inspection in the office of the Process Coordination Branch from 8:30 a.m. to 4:00 p.m. Monday through Friday.

The registrants concerned and the products affected by this action are listed below.

Dated: June 29, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs

EPA Reg. No. and product name	Registrant
61-125—Woodpecker Repellent.	Koppers Co., Inc., Pittsburgh, PA 15219.
100-332—Chlorobenzilate 25W.	Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409.
100-424—Chlorobenzilate Dust	Do.
100-490—Spectracide Rose & Flower Spray.	Do.
400-101—Royaltac	Uniroyal Chemical, 74 Amity Road, Bethany, CT 06525.
538-54—O-X-D Weed Killer.	O. M. Scott & Sons, Marysville, OH 43040.
654-85—Federal Chlordane 8 LB E. C.	Federal Chemical Co., Inc., 5820 W. 85th St., Suite 101, Indianapolis, IN 46278.

EPA Reg. No. and product name	Registrant
912-100—Telone Soil Fumigant.	Farmers Union Central Exch., P.O. Box 43089, St. Paul, MN 55164.
912-101—Telone II Soil Fumigant.	Do.
1579-5—Anaco Triple X Insecticide.	ANACO, 32-19 Northern Blvd., Long Island City, NY 11101.
6142-5—Bactof Synchronized Micro-Mist.	H. Kohnstamm & Co., Inc., 11 E. Illinois St., Chicago, IL 60601.
7110-1—DDA Soil Fumigant.	E. C. Olsen Co., 815 W. 2400 South, Salt Lake City, UT 84115.
9685-1—No Gnaw Animal Repellent.	DYMO-TECH CO., 550 W. Western, Muskegon, MI 49440.
9685-2—Rodent Repellent	Do.
10226-11—Telone Soil Fumigant.	Rockwood Chemical Co., P.O. Box 34, Brawley, CA 92227.
10914-2—Telone Soil Fumigant.	Union Oil of Calif., P.O. Box 60455, Los Angeles, CA 90060.
10914-4—Telone II Soil Fumigant.	Union Oil of Calif., P.O. Box 60455, Los Angeles, CA 90060.
11670-1—Calm Stock Big T. Cattle Oil.	Calm Stock Chemical Co., P.O. Box 395, Rochelle, IL 61068.
30998-1—Algicide 10 percent	W. H. Shurtieff Co., P.O. Box 1019, Portland, ME 04104.

[FR Doc. 79-21288 Filed 7-10-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1269-3; PF-135]

Pesticide Programs; Filing of Pesticide/Feed Additive Petitions

Pursuant to sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notices that the following petitions have been submitted to the Agency for consideration.

PP 9F2213. Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409. Proposes that 40 CFR 180.368 be amended by establishing a tolerance for the combined residues of the herbicide metolachlor [2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl) acetamide] and its metabolites determined as (2-[2-ethyl-6-methylphenyl amino]-1-propanol) and (4-[2-ethyl-6-methylphenyl]-2-hydroxy-5-methyl-3-morpholinone), each expressed as parent metolachlor on or on the raw agricultural commodities peanuts at 0.1 part per million, peanut hulls at 1.0 ppm, and peanut forage and hay at 3.0 ppm. The proposed analytical method for determining residues is by gas chromatography analysis. PM23—Ms. Willa Garner, Room E-351, 202/755-1397.

PP 9F2217. Sumitomo Chemical America, Inc., 345 Park Ave., New York, NY 10022. Proposes that 40 CFR 180 be amended by establishing post-harvest tolerances for the combined residues of the insecticide *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphorothioate and its metabolites *O,O*-dimethyl *O*-(4-nitro-*m*-tolyl) phosphate and 3-methyl-4-nitrosphenol in or on the raw agricultural commodities wheat, corn, rice, barley, oats, rye, and sorghum at 10.0 ppm.

The proposed analytical method for determining residues is a gas-liquid chromatographic method utilizing either a flame photometric or a phosphorus-specific alkali detector. PM16—Mr. William Miller, Room E-343, 202/426-9458.

FAP 9H5223. Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120. Proposes that 21 CFR 561 be amended by permitting residues of the insecticide *O,S*-dimethyl phosphoramidothioate on the feed commodity peanut meal at 0.2 ppm. PM16—Mr. William Miller.

Interested persons are invited to submit written comments on these petitions. Comments may be submitted, and inquiries directed, to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, DC 20460, or by telephone at the numbers cited. Written comments should bear a notation indicating the petition number to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Product Manager's Office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Dated: July 2, 1979.

Herbert S. Harrison,

Acting Director, Registration Division.

[FR Doc. 79-21313 Filed 7-10-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1269-2; OPP-30168]

Pesticide Programs; Receipt of Application To Conditionally Register Pesticide Product Containing New Active Ingredient

J. T. Baker Chemical Co., 222 Red School Lane, Phillipsburg, NJ 08865, has submitted to the Environmental Protection Agency (EPA) an application to conditionally register the pesticide product BAG-A-BUG (EPA File Symbol 562-ER), containing 0.47% of the active ingredient (R,Z)-5-(1-deceny) dihydro-2(3H)-furanone which has not been included in any previously registered pesticide product. The application proposes that the pesticide be classified for general outdoor use to trap Japanese beetles. Notice of this application is given pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162). Notice of receipt of this application does not indicate a decision by the Agency on the application.

Interested persons are invited to submit written comments on this application. Comments may be submitted, and inquiries directed, to Product Manager (PM) 17, Room 341, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, telephone number 202/426-9417.

The comments must be received on or before August 10, 1979 and should bear a notation indicating the EPA File Symbol "562-ER". Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by J. T. Baker Chemical Co., as well as all written comments filed pursuant to this notice, will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Notice of approval or denial of this application to register BAG-A-BUG will be announced in the *Federal Register*. Except for such material protected by section 10 of FIFRA, the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the *Federal Register* if an application is approved.

Dated: July 3, 1979.

Herbert S. Harrison,

Acting Director, Registration Division.

[FR Doc. 79-21312 Filed 7-9-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1269-5]

Implementation of Drinking Water Standards

AGENCY: Environmental Protection Agency.

ACTION: Safe Drinking Water Act Implementation Strategy for Non-Community Water Systems.

SUMMARY: The purpose of this notice is to publish for review and comment the policy of the Environmental Protection Agency with respect to the implementation of the provisions of the Safe Drinking Water Act (SDWA), as amended, 42 U.S.C., Sec. 300f *et seq.*, with respect to non-community water systems. Pursuant to the SDWA, the

National Interim Primary Drinking Water Regulations (NIPDWR) (40 CFR Part 141) delineate the requirements with which all public water systems, including non-community water systems, must comply. Due to the sheer number and type of non-community systems covered by the regulations, some national guidance for the implementation of an effective program to deal with these systems in a consistent manner is warranted. The following guidance discusses EPA's strategy for the systematic and rational implementation of the public water system supervision program for non-community water systems.

A prepublication draft of this strategy was distributed to States for comments. A total of 14 comments were received from the representatives of State Water agencies and other interested groups. All commenters have unequivocally described the strategy to be necessary, reasonable and acceptable. Only a few minor suggestions relevant to the subject matter were made. All appropriate suggestions have been included in this version.

Comments on all aspects of this strategy are solicited from interested persons. Written comments may be submitted to James F. Manwaring, Chief, Drinking Water Branch, State Programs Division, Office of Drinking Water (WH-550), 401 M Street, SW, Washington, D.C. 20460.

Dated: July 5, 1979.

Thomas C. Jorling,

Assistant Administrator for Water and Waste Management.

Introduction

The Safe Drinking Water Act, as amended, 42 U.S.C., Sec. 300f *et seq.*, was passed by Congress in 1974 to safeguard public drinking water supplies and to protect public health. One of the major provisions of the law required the establishment and enforcement of National Interim Primary Drinking Water Regulations (NIPDWR) that apply to all public water systems. On June 24, 1977, the NIPDWR—which established maximum contaminant levels (MCLs) for bacteria, turbidity, radionuclides, and organic and inorganic chemicals—became effective.

The NIPDWR define a public water system as a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Within this definition a public water system is either a community

water system or a non-community water system. This division is based on the type of consumer served and thus the frequency at which the consumer drinks the water as well as the amount of water consumed. Basically, a community system serves a residential population and a non-community system serves a transient or non-residential population.

A non-community system has a least 15 service connections used by travelers or transients or regularly serves 25 or more non-resident individuals daily for at least 60 days a year. Examples include separate water systems serving motels, restaurants, campgrounds, churches, factories, lodges, medical facilities, rest stops along highways, roadside service stations, day schools, etc.

The States currently estimate that there are more than 141,000 non-community water systems in the country. In this respect, the States have officially completed the inventory information (location, size, owner, coded into the Federal Data Reporting System) on approximately 84,000 of these systems and are presently continuing this effort. Even though these non-community systems are generally small in terms of size and population served, the resources necessary to manage and provide surveillance of these systems are quite large because the inspection and surveillance of each will consume as much time as a small community system. In addition, since the cost of system improvement must usually be borne totally by the owner of the non-community system, the cost of compliance with the regulations at the local level is also large, when compared to that shouldered by the users of community systems which commonly serve hundreds of paying customers.

The potential health effects of a contaminant in drinking water in many cases are quite different depending upon whether a person drinks the water over a long period (e.g. a resident) or whether a person drinks the water only briefly or intermittently. In recognition of this difference, the requirements applicable to systems which serve residents differ in some respects from those applicable to systems which serve transients or intermittent users. For example, the NIPDWR require only that the maximum contaminant levels for nitrate, turbidity and coliform bacteria apply to non-community water systems, since these contaminants are identified to cause acute health effects—the other contaminants, at the levels found in drinking water, are associated with

chronic effects due to long term exposure.

Phased Implementation

As EPA and the States move from the planning and development phase to actual program implementation, it is becoming increasingly apparent that considerable resources will need to be expended to ensure that all public water systems comply with the requirements of the SDWA. Resource constraints assume even greater importance when surveillance and monitoring of small, non-community water systems are concerned because of the large number of inspections and analyses involved in the present surveillance requirement. Non-community water systems, therefore, pose a challenge to EPA and the States in assuring the same level of health protection to the transient population as well as to the residents of communities.

Program Priorities

In considering priorities for program implementation, population at risk must first be considered. If an impending health hazard affects a relatively large number of consumers, it should be given top priority. The second consideration is the type of contaminant level exceeded because certain contaminants in excess of the MCL pose a more severe and immediate health hazard. Other factors such as the source of water supply and the degree of treatment provided should also be given appropriate consideration in setting program implementation priorities. However, where resources are available, as many problems should be addressed as possible, and the non-community system is ultimately responsible for complying with all applicable requirements.

EPA recognizes that consumption of water that does not comply with applicable requirements may pose a risk to health and should be dealt with as quickly as possible. However, where practical resource constraints dictate that limited resources be utilized effectively, EPA suggests that the following order of decreasing priority (broad categories) be used when dealing with the problems of non-community water systems in general. This order is flexible and should be modified by the primacy agency depending upon the population impacted, the degree of hazard to health, the type of source and treatment as well as other factors. Whatever system of priority the primacy agency decides to use, it is important that it be used uniformly within the State.

Facility Priority Listing

1. Health Care facilities.
2. Food Service establishments (including schools and organized camps)
3. Non-food Service establishments, e.g., schools, industries, hotels, motels, recreation areas, etc.
4. Churches, lodges, etc.
5. Retail establishments, service stations, stores, etc.
6. Others

Because the character and extent of water supply problems are different in every State, each problem must be handled individually. It would be highly inappropriate to expect to solve all problems through the application of certain standard measures for all non-community systems.

Provision for Equivalent Protection

The SDWA mandates that the same level of health protection be provided to users of both community and non-community systems, considering the quantity of water consumed and the frequency at which water is likely to be consumed. EPA identified those contaminants posing a threat to the users of non-community systems and established monitoring requirements for them. Non-community water systems are required to begin monitoring for bacteria and turbidity by June 25, 1979, (40 CFR Section 141.21(c), 141.22(c)), and under the current regulations to complete nitrate monitoring by that date. In the meantime, non-community systems monitoring for microbiological contamination, turbidity and nitrate prior to June 24, 1979, are subject to enforcement for MCL violations and violations of the reporting and public notification requirements of the Safe Drinking Water Act.

Recognizing, however, that monitoring requirements can pose a financial burden, especially to small non-community systems, EPA has provided primacy agencies with as much flexibility as possible. For example, Section 141.21(c) of the regulations states that the primacy agency can change the frequency of sampling for coliform bacteria in a non-community system based on the results of sanitary surveys. This would include less or more stringent monitoring as appropriate to the circumstances.

A sanitary survey consists of an on-site evaluation of the water system. Such a survey can reveal the causes of unsatisfactory drinking water quality, i.e., improper construction techniques or poor operation and maintenance. Should a survey indicate that the system has a record of satisfactory bacteriological

water quality and the system is adequately protected due to good construction (e.g., properly designed and installed pump and well) and conscientious maintenance and operation efforts, the primacy agency may use its discretion to reduce the frequency of sanitary surveys, monitoring and analysis for coliform bacteria contamination.

In non-community systems obtaining their water from wells, it is essential that the wells be constructed in accordance with enforceable well construction codes. EPA believes that non-community water systems using ground water sources and following detailed rules for well and pump design, construction and operation and maintenance, and where such rules are effectively implemented and enforced may be eligible for a reduction in the monitoring frequency for coliform bacteria, since such information would provide information equivalent to that obtained from a sanitary survey.

It is possible that in certain parts of the country primacy States and County health departments have meticulously inspected the water source and distribution system on a regular basis and maintained records documenting the past performance of the system. Under such circumstances the primacy agency may modify the frequency of coliform monitoring if such information is deemed equivalent to that which would be obtained from a sanitary survey.

Since historical data could lead to a false sense of security regarding the quality of the drinking water, the primacy agency must be constantly alert for potential sources of contamination, such as the establishment of industrial and commercial operations and other changes in land use in the proximity of the water source. It is therefore recommended that whenever monitoring and analysis frequencies are reduced, the primacy agency should establish a plan for making repeat sanitary surveys of each system on a regular basis. In setting the frequency of repeat surveys the primacy agency should consider such factors as the potential of contamination, and the number of individuals served by the system. Results of such surveys should be utilized to confirm or change the frequencies as appropriate.

For non-community systems, reliance on average coliform count for determining compliance with the NCL may be insufficient for adequate health protection, especially when the frequency for monitoring is very low. Therefore, the primacy agency should

react immediately to determine the cause of any positive analytical result and ask the water system to take prompt corrective action.

The Agency also recognizes that the unique characteristics of non-community systems may warrant increased flexibility with respect to applicable turbidity monitoring and public requirements. As a result, the Agency is proposing modifications to the National Interim Primary Drinking Water Regulations for public review and comment with respect to these and other requirements applicable to non-community systems. The Agency is also proposing to delay the mandated completion of the nitrate monitoring by one year (until June 24, 1980) in order to provide the States additional time. It was determined that the States' laboratory capability has been utilized, to a large extent, for analysis of community water system samples. The additional time period will allow the State to meet the regulatory requirement.

Policy Implementation

As full implementation of the safe drinking water program progresses, States are likely to encounter problems with total and complete surveillance of all non-community water systems because of their relatively large number. Under such circumstances, the States with primary enforcement responsibility may consider using the flexibilities provided in this policy to address the problems on non-community water systems while maintaining public health protection.

EPA intends that primacy States thoroughly assess the scope of problems related with non-community systems and develop alternative approaches to deal with them. EPA will annually be reviewing State implementation programs relative to non-community systems; for example, as part of its evaluation of state public water system supervision program plans and/or as a part of the annual grant application from each State.

[FR Doc. 79-21314 Filed 7-10-79; 8:45 am]

BILLING CODE 6560-01-M

[Docket No. ECAO-CD-78-2; FRL 1269-6]

Air Quality Criteria Document for Oxides of Nitrogen; Availability of Second External Review Draft

The U.S. Environmental Protection Agency will make available on July 13, 1979, a second external review draft of an Air Quality Criteria Document for Oxides of Nitrogen. Address all written

requests for copies to the Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711 (Attn: Ms. Diane Chappell). Telephone 919/541-3746, and a prerecorded message will provide instructions for placing a telephone request.

The Agency welcomes all comments pertaining to this document. The deadline for receipt of comments is August 31, 1979. Direct comments to Mr. Michael A. Berry at the address given above.

Dated: July 6, 1979.

Stephen J. Gage,

Assistant Administrator for Research and Development.

[FR Doc. 79-21437 Filed 7-10-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 79-413]

Closed Circuit Test of National-Level Interconnecting Systems and Facilities and Program Origination Channels of the Emergency Broadcast System

In the matter of a closed circuit test of the National-Level Interconnecting Systems and Facilities and program origination channels of the Emergency Broadcast System.

Adopted: July 5, 1979.

Released: July 6, 1979.

By the Commission: 1. The Commission has received a request from the White House Communications Agency to conduct a Closed Circuit Test of the National-Level interconnecting systems and facilities of the Emergency Broadcast System (EBS) on July 24, 1979, from 2:03:30 to 2:09:00 Washington, D.C. time.

2. This request has been coordinated with the major radio networks, the participating communications common carriers, and the AP and UPI radio wire services, by the Columbia Broadcasting Company (CBS).

3. Coordinated arrangements and voluntary agreements have been obtained from the White House Communications Agency, the National Telecommunications and Information Agency, the major Radio Broadcast Networks (ABC, CBS, IMN, MBS, NBC, NPR, AP-Radio, UPI-Audio), and the American Telephone and Telegraph Company (AT&T).

4. Accordingly, it is ordered that a Closed Circuit Test of the EBS be conducted July 24, 1979, from 2:03:30 to

2:09:00 PM Washington, D.C. time, in accordance with § 73.962 of the rules.

5. Authority for the adoption of this action is contained in section 1, 4(i), 4(o), and 303(r) of the Communications Act of 1934, as amended.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 79-21409 Filed 7-10-79; 8:45 am]

BILLING CODE 6712-01-M

[FCC 79-414]

July 5, 1979.

Closed Circuit Test of Emergency Broadcast System Scheduled for July 24, 1979

A test of the Emergency Broadcast System (EBS) has been scheduled for Tuesday, July 24, 1979 between 2:03:30 and 2:09:30 P.M. Washington, D.C. (EST) time. Only ABC, MBS, AP Radio, CBS, IMN, NBC, and UPI Audio Radio network affiliates will receive the Test Program for the Closed Circuit Test. AP and UPI wire service clients will receive activation and termination messages of the Closed Circuit Test. Television networks are not participating in the Test.

Network affiliates will be notified of the test procedures via their network beginning four days in advance of the test. Test messages will also be run by AP and UPI radio press wire services for four days in advance of the test to insure wide dissemination of the test announcement and schedule.

Final evaluation of the July test is scheduled to be made by the end of August, 1979.

This is a closed circuit test and will not be broadcast over the air.

Action by the Commission July 5, 1979. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, Brown and Jones.

Federal Communications Commission,
William J. Tricarico,
Secretary.

[FR Doc. 79-21410 Filed 7-10-79; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-2]

FM Broadcast Application Accepted for Filing and Notification of Cut-Off Date

Released: July 3, 1979.

Cutoff Date: August 30, 1979.

Notice is hereby given that the application listed below has been accepted for filing. It will be considered to be ready and available for processing

after August 20, 1979. An application, in order to be considered with this application or with any other application on file by the close of business on August 20, 1979, which involves a conflict necessitating a hearing with this application must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on August 20, 1979.

Petitions to deny this application must also be on file with the Commission not later than the close of business on August 20, 1979:

BPED-790604AD NEW, Philadelphia, Pennsylvania, The Trustees of the University of Pennsylvania Requests: 88.9 MHz, #205, 1.9 kW, 280 feet

Federal Communications Commission,
William J. Tricarico,
Secretary.

[FR Doc. 79-21411 Filed 7-10-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Fact-Finding Investigation No. 11]

Practices of Carriers, Conferences of Carriers, Shippers, Container Leasing Companies or Other Persons Connected With the Supply, Lease or Control of Containers Utilized in the Movement of Cargo in the Foreign Commerce of the United States

The advent of containerization of cargo in our waterborne foreign commerce has spawned the development of companies which lease containers to both shippers and common carriers by water in a variety of circumstances. The Commission has recently had occasion to address conference tariff rules which may impact upon these container leasing companies and their practices—Docket No. 76-34—*Tariff FMC 6, Rule 22 of the Continental North Atlantic Westbound Freight Conference* and Docket No. 76-36—*Tariff Rules Concertedly Published Defining Practices of Conferences and Rate Agreement Members Regarding the Acceptance and Responsibility for Shipper-Owned or Shipper-Leased Trailers or Containers* (served December 19, 1978).

Shippers, container leasing companies and carriers have raised numerous and conflicting contentions concerning what has been characterized as the neutral container system. Based upon these various contentions, we conclude that it is necessary for us to gather facts relating to the practices of carriers, conferences of carriers, shippers, container leasing companies and other

persons concerning the supply, lease or control of containers utilized in the movement of cargo in the foreign commerce of the United States so that we may properly exercise our regulatory duties. Although no rule or order will issue as a part of this investigation, the Commission will review information collected in order to determine whether further action is necessary to prevent contravention of the shipping statutes.

Therefore, it is ordered, That pursuant to sections 21, 22 and 27 of the Shipping Act, 1916, and section 214(a) of the Merchant Marine Act of 1936, a nonadjudicatory investigation is hereby instituted into the practices of carriers, conferences of carriers, shippers, container leasing companies and others related to or connected with the neutral container leasing system, container supply, and related areas, said investigation to be conducted pursuant to the Commission's Rules of Practice and Procedure, 46 CFR sections 502.281-291;

It is further ordered, That the Investigative Officer shall be Mr. Martin F. McAlwee of the Commission. Mr. McAlwee shall direct the investigation and shall be assisted by such staff members as he may designate.

The Investigative Officer shall have the full authority of the Commission to hold public or nonpublic sessions, to resort to all compulsory processes authorized by law (including the issuance of subpoenas), to administer oaths and to perform such other duties as may be necessary in accordance with the laws of the United States and the regulations of the Commission;

It is further ordered, That any persons having an interest and desiring to participate in this proceeding, shall file a statement with the Investigative Officer, describing their interest before September 4, 1979;

It is further ordered, That the Investigative Officer shall issue to the Managing Director interim progress reports every three months and a final report of findings and recommendations no later than one year after publication of this Order in the *Federal Register*, (July 11, 1980) all such reports to remain confidential unless and until the Commission rules otherwise; and

It is further ordered, That Notice of this Order be published in the *Federal Register*.

By the Commission, June 12, 1979.
Francis C. Humey,
Secretary.

[FR Doc. 79-21341 Filed 7-10-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Andrew Financial Corp.; Formation of Bank Holding Company

Andrew Financial Corp., Andrew, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.3 per cent or more of the voting shares of Andrew Savings Bank, Andrew, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 6, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 5, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.

[FR Doc. 79-21353 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 3, 1979.

A. Federal Reserve Bank of Richmond, 701 East Byrd Street, Richmond, Virginia 23261:

MARYLAND NATIONAL CORPORATION, Baltimore, Maryland (mortgage banking, consumer financing, leasing and insurance activities; New Jersey and Pennsylvania); to engage, through its subsidiary Homeowners Loan Corporation, in making, acquiring and servicing loans and other extensions of credit secured by real estate mortgages; making, acquiring and servicing loans and other extensions of credit such as would be made by a consumer finance or credit card company; leasing personal property in accordance with the Board's Regulation Y; and selling credit life, accident and health, and loan redemption and cancellation insurance directly related to its extensions of credit. These activities would be conducted from an office in Cherry Hills, New Jersey, serving New Jersey and eastern Pennsylvania.

B. Federal Reserve Bank of Kansas City, 925 Grand Avenue, Kansas City, Missouri 64198:

HOMETOWN FINANCE COMPANY, Clinton, Oklahoma (mortgage banking activities; Oklahoma) to engage in making, acquiring or servicing for its own account or for the account of others V. A., Conventional, FHA, and second mortgage real estate loans. These activities will be conducted from an office located in Clinton, Oklahoma serving Custer, Beckham and Washita counties and other cities within a 50 mile radius of Clinton, Oklahoma.

C. Federal Reserve Bank of Chicago, 230 South LaSalle Street, Chicago, Illinois 60690:

NATIONAL DETROIT CORPORATION, Detroit, Michigan (financing and insurance activities; Richmond, Virginia); to engage *de novo*, through its subsidiary, Instaloan Financial Services, Inc., in making or acquiring for its own account or for the

account of others, loans and other extensions of credit including consumer loans, the purchase of sales finance contracts, loans to small businesses and other extensions of credit such as would be made by a factoring company or finance company; and acting as insurance agent or broker for the sale of credit related life and accident and health insurance. These activities would be conducted from an office in Henrico County, Virginia, serving the Richmond, Virginia SMSA.

D. Other Federal Reserve Banks:
None.

Board of Governors of the Federal Reserve System, July 2, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.

[FR Doc. 79-21354 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

Commercial State Bancshares, Inc.; Formation of Bank Holding Company

Commercial State Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of Commercial State Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 3, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 5, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.

[FR Doc. 79-21355 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

Continental Banksystem, Inc.; Formation of Bank Holding Company

Continental Banksystem, Inc., St. Paul, Minnesota, has applied for the Board's

approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87 per cent or more of the voting shares of St. Anthony Park State Bank, St. Paul, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 3, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be present at a hearing.

Board of Governors of the Federal Reserve System, July 3, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.

[FR Doc. 79-21356 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

Fidelity Co.; Formation of Bank Holding Company

Fidelity Company, Dyersville, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Fidelity Bank and Trust, Dyersville, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-21357 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

First Osmond Corp.; Formation of Bank Holding Company

First Osmond Corporation, Osmond, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of Osmond State Bank, Osmond, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 3, 1979. Any comment on an application that requires a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 3, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-21358 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

Marion Bank Holding Co.; Formation of Bank Holding Company

Marion Bank Holding Company, Marion, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the State Bank of Marion, Marion, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary,

Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-21359 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

Meno Bancshares, Inc.; Formation of Bank Holding Company

Meno Bancshares, Inc., Meno, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of Meno Guaranty Bank, Meno, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 5, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 5, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-21360 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

Met-State Corp.; Formation of Bank Holding Company

Met-State Corp., Commerce City, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent of the

voting shares of Metropolitan State Bank, Commerce City, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 30, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 3, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-21361 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

SCB Financial Corp.; Formation of Bank Holding Company

SCB Financial Corporation, Smith Center, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 63.8 per cent of the voting shares of The Smith County State Bank & Trust Company, Smith Center, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 30, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 3, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-21362 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

SSB Corp.; Formation of Bank Holding Company

SSB Corporation, Big Spring, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Security State Bank, Big Spring, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-21363 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

Union National Bancshares; Formation of Bank Holding Company

Union National Bancshares, Chandler, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Union National Bank of Chandler, Chandler, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 1, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-21364 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

Valley Bancorp.; Acquisition of Bank

Valley Bancorporation, Appleton, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the Wisconsin National Bank in Watertown, Watertown, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-21365 Filed 7-10-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-490]

Delegation of authority

1. *Purpose.* This regulation delegates authority to the Secretary of Health, Education, and Welfare to operate a Federal Data Processing Center.

2. *Effective date.* This regulation is effective July 11, 1979.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly section 111 thereof, authority is hereby delegated to the Secretary of Health, Education, and Welfare to operate a Federal Data Processing Center for biomedical and statistical computation

at the National Institutes of Health, Division of Computer Research and Technology. The Center will be operated in accordance with the provisions of the interagency agreement between the General Services Administration and the Department of Health, Education, and Welfare.

b. The Secretary of Health, Education, and Welfare may redelegate this authority to any officer, official, or employee of the Department of Health, Education, and Welfare.

c. This authority shall be exercised in accordance with the policies and procedures prescribed in the Federal Procurement Regulations and the Federal Property Management Regulations by the General Services Administration.

Clarence A. Lee, Jr.,

Acting Administrator of General Services.

June 29, 1979.

[FR Doc. 79-21326 Filed 7-10-79; 8:45 am]

BILLING CODE 6820-25-M

Regional Public Advisory Panel on Architectural and Engineering Services; Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 6, from 9:00 a.m., July 26 through July 27, 1979, PBS Conference Room Federal Building, 1500 East Bannister Road, Kansas City, Missouri. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of Architect-Engineers under consideration for selection to furnish professional services for the following projects:

- Construction of Courtrooms and Related Facilities, U.S. Courthouse and Customhouse, St. Louis, Missouri
- Modernization of Office Space, Federal Center, Building 110, 4300 Goodfellow, St. Louis, Missouri
- Construction of Courtrooms, Related Facilities, and Miscellaneous Repairs, U.S. Courthouse, 811 Grand Avenue, Kansas City, Missouri
- Supplemental A-E Contract for Projects within Missouri and Kansas
- Supplemental A-E Contract for Projects within the State of Missouri

The meeting will be open to the public.

Arlene D. Schley,

Acting Regional Administrator.

July 5, 1979.

[FR Doc. 79-21451 Filed 7-10-79; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-79-577]

Office of the Area Manager, Dallas Area Office; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of Line of Succession.

SUMMARY: The Area Manager is designating officials who may serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager.

EFFECTIVE DATE: July 11, 1979.

SUPPLEMENTARY INFORMATION: Each of the officials appointed to the following position is designated to serve as Acting Area Manager during the absence of, or vacancy in the position of, the Area Manager, with all the powers, functions, and duties re delegated or assigned to the Area Manager: Provided, that no official is authorized to serve as Acting Area Manager unless all officials before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Area Manager
2. Director, Community Planning and Development Division
3. Director, Housing Division
4. Area Counsel

This designation supersedes the unpublished designation effective February 2, 1977.

(Delegation of Authority by the Secretary effective October 1, 1970: 36 FR 3389, February 23, 1971).

Irving Statman,

Area Manager, Dallas Area Office, Region VI (Dallas).

Vernon C. Mayfield,

Regional Counsel, Region VI (Dallas).

[FR Doc. 79-21346 Filed 7-10-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Miles City District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Miles City District Grazing Advisory Board will be held on August 22, 1979.

On August 22, the meeting will begin at 1 p.m. in the conference room of the

Bureau of Land Management Office, West of Miles City, Miles City, Montana.

The agenda for the meeting will include: (1) Introductions and election of officers; (2) Composition of the Miles City District and its relation with the overall Bureau of Land Management; (3) A discussion of on-going programs; (4) A discussion of the board's future involvement in advising on commercial livestock grazing in the development of allotment management plans and utilization of range-betterment funds with respect to commercial livestock grazing; (5) The arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana, 59301, by August 17, 1979. Depending on the number of persons wishing to make oral statements, a persons time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Robert Teegarden,

Acting District Manager.

[FR Doc. 79-21327 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-84-M

New Mexico, Colorado, Utah, Wyoming Proposed Rocky Mountain Liquid Hydrocarbon Pipeline; Notice of Intent To Prepare an Environmental Impact Statement

June 25, 1979.

The Department of the Interior, Bureau of Land Management, New Mexico State Office is responsible for preparation of an Environmental Impact Statement for a proposed liquid hydrocarbon pipeline system. MAPCO Inc. proposes to construct a product delivery system from near Rock Springs, Wyoming through Colorado, Utah, New Mexico, to a point near Hobbs Station, Texas. The overall length of the system is approximately 1,200 miles long and will largely follow existing corridors. Alternate routes and alternatives to the proposal as a whole will be considered in the Environmental Impact Statement.

Scoping meetings will be held in states along the pipeline. Times and locations will be announced later. The purposes of the meetings include:

(1) To inform affected Federal, State and local agencies, and other interested groups or individuals about the proposal.

(2) To define the scope and significant issues to be analyzed in the EIS. This includes identification and elimination from detailed study those issues which are not significant.

(3) To identify related environmental assessments or environmental impact statements, which may not be within the scope of the subject EIS.

(4) To identify related consultation and review requirements which will be addressed in the EIS, including identification of mandated documentation.

The contact for the Rocky Mountain Liquid Hydrocarbon Pipeline (MAPCO) Environmental Impact Statement is: Robert E. Armstrong, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501. Telephone: Commercial Number (505) 988-6467 FTS 476-1467.

Arthur W. Zimmerman,
State Director.

[FR Doc. 79-21328 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-84-M

Road and Public Use Closure

In 1978, the Montrose District of the Bureau of Land Management and the Colorado Division of Wildlife completed a cooperative Habitat Management Plan for the Perins Peak Wildlife Area to benefit endangered species and wintering deer and elk. The Plan calls for the following closures located near Durango, Colorado. The road closure, to protect endangered species habitat and prevent resource damage, is effective immediately for all the roads in the following described lands:

New Mexico Principal Meridian

T. 35 N., R. 10 W.,

Section 13, W $\frac{1}{2}$,

Section 14, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The seasonal area closure to protect endangered species habitat, effective each year from February 15 through August 1 beginning immediately applies to the following described Public Lands:

New Mexico Principal Meridian

T. 35 N., R. 10 W.,

- Section 2, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Section 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Section 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Section 13;
 Section 14, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

For further information, contact
 Marlyn Jones, District Manager,
 Montrose District Office, Montrose,
 Colorado 81401. (303/249-7791).

Marlyn V. Jones,

District Manager.

[FR Doc. 79-21388 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-84-M

[M 43913 through M 43913-B]**Montana; Right-of-Way Application for Pipeline**

July 2, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Montana-Dakota Utilities Company has filed three (3) applications for rights-of-way for a 3-inch natural gas pipeline to hook up Well Nos. 3115, 3215, and 3415 in the Bowdoin Field across approximately 0.89 miles of public land in Phillips County:

Principal Meridian, Montana.

- T. 31 N., R. 35 E.,
 Sec. 30, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 31, Lot 4,
 Sec. 32, N $\frac{1}{2}$ SE $\frac{1}{4}$; and
 Sec. 33, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

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, Drawer 1160, Lewistown, Montana 59457.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-21389 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37703]**New Mexico; Application**

July 3, 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 6-inch natural gas pipeline and related facilities right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

- T. 18 S., R. 31 E.,
 Sec. 34, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and
 NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, S $\frac{1}{2}$ NW $\frac{1}{4}$.

This pipeline will convey natural gas across 1.24 miles 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. 79-21390 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37528, 37529 and 37530]**New Mexico; Applications**

July 3, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1930 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for three 4 $\frac{1}{2}$ -inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

- T. 28 N., R. 6 W.,
 Sec. 16, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 T. 30 N., R. 6 W.,
 Sec. 28, lots 5, 6 and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

These pipelines will convey natural gas across 0.487 of a mile of public lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the 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. 79-21391 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37008]**New Mexico; Application**

July 3, 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), Northern Natural Gas Company has applied for one 12 $\frac{3}{4}$ -inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

- T. 18 S., R. 28 E.,
 Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 T. 18 S., R. 29 E.,
 Sec. 7, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 15, S $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 17, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 T. 18 S., R. 30 E.,
 Sec. 13, N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 14, N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 15, N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 17, S $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 18, lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 T. 18 S., R. 31 E.,
 Sec. 13, N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 14, N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 15, S $\frac{1}{2}$ S $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and
 S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 18, lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 T. 18 S., R. 32 E.,
 Sec. 13, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 14, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 15, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 17, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 18, lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 T. 18 S., R. 33 E.,
 Sec. 18, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 21, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 24, S $\frac{1}{2}$ NE $\frac{1}{4}$.

This pipeline will convey natural gas across 21.57 miles of public lands in Lea and Eddy Counties, 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. 79-21392 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37464, 37465 and 37476]

New Mexico, Applications

July 3, 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), Southern Union Gathering Company has applied for three 4-inch natural gas pipeline rights-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 29 N., R. 8 W.,

Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 4, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

These pipelines will convey natural gas across 1.90 miles 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 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. 79-21393 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Energy Transportation Systems, Inc. (ETSI) Coal Slurry Pipeline; Notice of Intent To Prepare an Environmental Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the Department of the Interior, Bureau of Land Management, Wyoming State Office, will prepare an Environmental Statement on a proposed coal slurry pipeline originating in northeastern Wyoming with terminals proposed in Oklahoma, Arkansas, Mississippi, and Louisiana. The statement will analyze construction of a 38-inch diameter coal slurry pipeline approximately 1,670

miles long capable of transporting 25 million tons of coal per year to coal-fired electric generating plants along the proposed route. Associated facilities including pumping stations, dewatering facilities, barge terminals, and slurry preparation plant will also be assessed in the statement. Alternatives to be considered include but will not be limited to routes, facilities, or other transportation modes capable of transporting approximately 25 million tons of coal from Wyoming to markets in the midwest and gulf coast regions. Public meetings on the scope of the ETSI coal slurry pipeline proposal will be held initially in Cheyenne and Gillette, Wyoming. The meeting in Cheyenne will be at 7:00 p.m., August 7, 1979, at the Hitching Post Inn. The Gillette meeting will be at 7:00 p.m., August 9, 1979, at the Ramada Inn. Additional scoping meetings will also be held in communities proximate to the project in those States affected. The dates, places, and times of these meetings will be publicized in local news media.

The purpose of the public scoping meetings is threefold: (1) to inform the public of the nature of the proposed project and those aspects to be analyzed in the statement including the tentative alternatives based on existing data and knowledge of the area; (2) to gather resource information from the public; and (3) to consider concerns, problems, and/or issues important to the public for possible inclusion into the statement.

The contact for the ETSI Coal Slurry Pipeline Environmental Statement is Richard E. Traylor, ETSI ES Team Leader, Bureau of Land Management, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82001, telephone: Commercial Number (307) 778-2220, extension 2405; FTS 328-2406.

Arnold E. Petty,

Acting Associate Director, Bureau of Land
Management, Washington, D.C.

July 6, 1979.

[FR Doc. 79-21403 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Tucson Division, Central Arizona Project, Arizona; Intent to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental impact statement on the Tucson Division, Central Arizona Project (CAP), Arizona. The proposed statement will

address the impacts of construction and operation of the Tucson Division.

The purpose of the proposed project is to deliver CAP Colorado River water to agricultural and municipal and industrial water users in Pinal and Pima Counties, Arizona. The Tucson Division will consist of a 60-mile-long (approximate) aqueduct, three or more pumping plants, transmission facilities to deliver electrical energy to the pumping plants, and facilities for regulation and storage of water. The aqueduct will begin at the terminus of the authorized Salt-Gila Aqueduct in Pinal County and will terminate in the immediate vicinity of the city of Tucson in Pima County.

Alternatives under consideration include various aqueduct alignments, designs (open concrete-lined canal vs. pipeline), and the size and type of storage requirements (natural reservoir sites vs. in-line excavated tanks).

There will be two meetings to solicit information from all interested public entities and persons to assist in determining the scope of the environmental statement and to identify the significant issues related to the proposed action. These meetings will be held on July 19, 1979, at 1:00 p.m. in the Tucson Community Center, 350 South Church Street, Tucson, Arizona; and at 7:00 p.m. in the Social Service Center, 100 East 7th Street, Eloy, Arizona.

The contact person for this environmental statement will be: Larry Morton, Environmental Office, Arizona Projects Office, Bureau of Reclamation, 201 North Central Avenue, Phoenix, Arizona 85073, telephone (602) 261-3577.

Dated: July 5, 1979.

D. D. Anderson,
Acting Commissioner.

[FR Doc. 79-21373 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-09-M

Office of the Secretary

[INT DES 79-38]

Proposed Grazing Management Program for Parker Mountain Planning Unit, Wayne County, Utah; Availability of Draft Environmental Statement and Public Hearing

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and a 1975 Federal Court Order, the Bureau of Land Management has prepared a draft environmental impact statement for the proposed Parker Mountain Grazing Management Program in Wayne County, Utah.

The objective of the proposal is to provide land use management on the basis of multiple use and long-term sustained yield of the natural resources on 213,057 acres of public land.

Initially, 11,180 animal unit months (AUMs) of forage would be allocated to livestock and 2,950 to big game animals (deer, elk, and antelope). In the long term, the respective allocations would be 11,556 and 3,330 AUMs. Vegetation treatments, seedings, water developments, fences, and prescribed periods of rest from grazing would accompany the forage allocation.

The Bureau of Land Management invites written comments on the draft statement. Comments should be submitted to District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701. Comments will be received until August 27, 1979.

Public reading copied of the Draft statement will be available at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets NW, Washington, D.C.

Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah
Richfield District Office, Bureau of Land Management, 150 East 900 North, Richfield, Utah

Henry Mountain Resource Area Office, Bureau of Land Management, Hanksville, Utah

A limited number of copies are available from the Richfield District Manager at the above address.

Notice is hereby given that oral and/or written testimony will be received at a public hearing on August 16, 1979, to be held at the Loa Community Center in Loa, Utah at 7:30 p.m.

A BLM official will preside over the hearings. Witnesses presenting oral comments should limit their testimony to ten (10) minutes. Copies of written material which supplements oral comments submitted at the hearings will be made part of the official record.

A court recorder will take a record of the testimony and then prepare a verbatim transcript of the proceedings. View points expressed at the hearings and written comments will be considered in preparation of the final environmental statement.

Dated: July 6, 1979.

Larry E. Meierotto,
Assistant Secretary.

[FR Doc. 79-21397 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-63/65]

Certain Precision Resistor Chips

Notice is hereby given that the prehearing conference scheduled for July 23, 1979 and the hearing scheduled for July 30, 1979, pursuant to notice previously published in the *Federal Register* on June 27, 1979 (44 FR 37567), are postponed indefinitely.

The Secretary shall publish this notice in the *Federal Register*.

Issued: July 5, 1979.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 79-21440 Filed 7-10-79; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Consent Judgment in United States v. Alton Box Board Co., et al. and Competitive Impact Statement Therein

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C., section 16(b)-(h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Northern District of Illinois, Eastern Division, in *United States v. Alton Box Board Company, et al.*, No. 76 C 597. The complaint alleges that the twenty-two corporate defendants conspired among themselves and various co-conspirators to fix the prices of folding cartons from 1960 to 1974.

All of the defendants have agreed to the proposed consent decree which enjoins the defendants, for a twenty-five year period, from price-fixing, allocating customers, submitting non-competitive bids and exchanging present and future prices to customers. The proposed judgment also imposes an affirmative compliance program on the defendants for a ten-year period which includes the annual distribution of the final judgment to certain employees, annual meetings with employees to discuss the terms and obligations of the judgment, annual distribution by defendants to employees of written directives setting forth the defendants' policies regarding compliance with the judgment and the Sherman Act, and annual certification by employees that they have read and understand the proposed judgment and that failure to comply with the judgment

may result in contempt of court and appropriate disciplinary action by their employers. Additionally, for a five-year period, employees must either report in writing price communications with other folding carton manufacturers or annually certify that they engaged in no such price communications.

The complaint was filed following the return of an indictment charging all of the defendants with a criminal price-fixing violation. All defendants pleaded *nolo contendere* to the criminal charges, except Consolidated Packaging Corporation which was convicted following a three-week jury trial. Consolidated Packaging Corporation's conviction was affirmed by the Court of Appeals.

The details of the relief obtained in this case are set forth in the proposed Judgment and Competitive Impact Statement. Public comment is invited within the statutory sixty-day comment period. Such comments and responses thereto will be published in the *Federal Register* and filed with the Court. Comments should be directed to the United States Department of Justice, Attention: Gerald A. Connell, Chief, General Litigation Section, Antitrust Division, Washington, D.C. 20530.

Dated: June 28, 1979.

Charles F. B. McAleer,

Special Assistant for Judgment Negotiations.

United States District Court Northern District of Illinois Eastern Division

United States of America, Plaintiff, v. Alton Box Board Co., et al., Defendants. Civil Action No. 76 C 597 Filed: June 28, 1979

Stipulation

It is hereby stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C., § 16), and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendants and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: June 28, 1979

For the Plaintiff:

(s) John H. Shenefield, Assistant Attorney General

- (s) William E. Swope,
 (s) Charles F. B. McAleer,
 (s) Gerald A. Connell, Attorneys, United States Department of Justice

For the Defendants:

- (s) Roger Harris, Alton Box Board Co.
 (s) D. Bruce Pearson,
 (s) Barbara A. McAninch,
 (s) Joseph M. Gensheimer, Attorneys, United States Department of Justice, Antitrust Division, Washington, D.C. 20530.
 (s) J. Randolph Wilson, American Can Co.
 (s) David P. List, Brown Co.
 (s) John E. Burke, F. N. Burt Co., Inc.
 (s) Michael H. King, Consolidated Packaging Corp.
 (s) Bruce A. Hecker, Diamond International Corp.
 (s) William A. Montgomery, Federal Paper Board Co., Inc.
 (s) Asa Rountree, The A. L. Garber Co., Inc.
 (s) Henry L. King International Paper Co.
 (s) Edward F. Fitzpatrick, Burd & Fletcher Co.
 (s) Irving H. Goldberg, Champion International Corp.
 (s) Glenn W. McGee, Container Corp. of America
 (s) James G. Hering, Eastex Packaging, Inc.
 (s) Charles E. Hanger, Fibreboard Corp.
 (s) Irving H. Goldberg, Hoerner Waldorf Corp.
 (s) Robert W. Gettleman, Interstate Folding Box Co.
 (s) Alan Wiseman, The Mead Corp.
 (s) John P. Ryan, Jr., Potlatch Corp.
 (s) Kimba W. Lovejoy, St. Regis Paper Co.
 (s) E. Houston Harsha, Packaging Corp. of America
 (s) R. Bruce MacWhorter, Rexham Corp.
 (s) Donald G. Kempf, Jr., Weyerhaeuser Co.

United States District Court, Northern District of Illinois Eastern Division

United States of America, Plaintiff, v. Alton Box Board Company, et al., Defendants. Civil Action No. 76 C 597 Filed: June 28, 1979

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on February 18, 1976, and the Plaintiff and the Defendants, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of, or finding on, any issue of fact or law herein, and without this Final Judgment constituting any evidence against or admission by any party with respect to any such issue:

NOW, THEREFORE, before any testimony has been taken herein, and without trial or adjudication of, or finding on, any issue or issues of fact or law herein, and upon the consent of the parties hereto, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

I.

This Court has jurisdiction of the subject matter herein and of the parties hereto. The Complaint states a claim upon which relief may be granted against the Defendants under Section One of the Sherman Act, 15 U.S.C., § 1.

II.

As used in this Final Judgment:
 (A) "Person" shall mean any individual, partnership, corporation, firm, association or other business or legal entity; and
 (B) "Folding cartons" shall mean folding cartons made principally from the category of paperboards referred to as bending box board. "Folding cartons" do not include milk cartons.

III.

The provisions of this Final Judgment are applicable to all Defendants herein and shall also apply to each of said Defendants' officers, directors, agents and employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise; provided, however, that this Final Judgment shall not apply to transactions or communications solely between a Defendant and its officers, directors, employees, agents, or to transactions or communications between or among a Defendant and its parent company, subsidiaries or companies more than fifty percent (50%) owned by the Defendant or its parent, or to activities outside the United States which do not affect the commerce of the United States.

IV.

(A) Each Defendant is enjoined and restrained from directly or indirectly entering into, adhering to, maintaining, furthering, enforcing or claiming any rights under any contract, agreement, arrangement, understanding, plan, program, combination or conspiracy with any other manufacturer or seller of folding cartons to:

- (1) Raise, fix, maintain or stabilize the price or other terms or conditions for the sale of folding cartons to any third person;
- (2) Allocate, limit or divide territories, markets or customers for the sale of folding cartons;
- (3) Submit noncompetitive, collusive, rigged or cover bids or quotations for the sale of folding cartons; and
- (4) Refrain from submitting a bid for any sale of folding cartons.

(B) Each Defendant is enjoined and restrained from communicating to or requesting from any other manufacturer or seller of folding cartons the most recent price charged or quoted or the future price to be charged or quoted to a customer or potential customer with respect to a specific order for folding cartons, whether communicated in the form of a specific price or information from which such specific price may be computed.

(C) Each Defendant is enjoined and restrained from distributing to any manufacturer of folding cartons, except as permitted by Section V of this Final Judgment, any folding carton pricing manuals, price lists, or similar pricing material which is used, has been used or will be used in computing prices charged or to be charged for folding cartons.

V.

Nothing contained in this Final Judgment shall prohibit a Defendant's negotiations, arrangements or communications: (a) with any agent, broker, distributor or representative of such Defendant; or (b) with another manufacturer or seller of folding cartons or with any agent, broker, distributor or representative of such manufacturer or seller solely in connection with bona fide proposed or actual purchases or sales of folding cartons or any product or service relating to the manufacture of folding cartons such as board, ink, sheeting, coating or printing, from or to that manufacturer or seller.

VI.

(A) Within sixty (60) days after the date of entry of this Final Judgment, each Defendant herein shall furnish a conformed copy to:

- (1) Each of its own officers and directors;
- (2) Each officer and director of a domestic subsidiary engaged in the manufacture or sale of folding cartons;
- (3) Each of its own employees and managing agents who is engaged in, or has responsibility for or authority over the pricing or sale of folding cartons;
- (4) Each employee and managing agent of a domestic subsidiary engaged in the manufacture or sale of folding cartons who is engaged in, or has responsibility for or authority over the pricing or sale of folding cartons;

and shall advise and inform each such person that violation of this Final Judgment could result in a conviction for contempt of court and imprisonment and/or fine.

(B) Within ninety (90) days after the date of entry of this Final Judgment, each Defendant shall file with the Plaintiff an affidavit concerning the fact and manner of compliance with Paragraph (A) of this Section.

(C) Within thirty (30) days after each such person becomes an officer, director, employee or agent of the kind described in Paragraph (A), a Defendant shall furnish to him or her a copy of this Final Judgment together with the advice specified by said Paragraph (A).

VII.

(A) Each Defendant shall advise each of its officers who has management responsibility for the manufacture or sale of folding cartons, and each of its employees and managing agents who is engaged in the sale of or who has responsibility for or authority over the establishment of prices for folding cartons, of its and their obligations under this Final Judgment. For a period of ten (10) years from the entry of this Final Judgment, each Defendant shall maintain a program to insure compliance with this Final Judgment, which program shall include at a minimum the following with respect to each of the persons described immediately above:

- (1) The annual distribution to them of this Final Judgment or a summary thereof;
- (2) The annual submission to them of a written directive setting forth the Defendant's policy regarding compliance with the Sherman Act and with this Final Judgment,

with such directive to include: (a) an admonition that non-compliance with such policy and this Final Judgment will result in appropriate disciplinary action determined by the Defendant and which may include dismissal, and (b) advice that the Defendant's legal advisors are available at all reasonable times to confer with such persons regarding any compliance questions or problems;

(3) The imposition of a requirement that each of them sign and submit to his employer, once a year, a certificate in substantially the following form:

"The undersigned hereby (1) acknowledges receipt of a copy of the 1979 Folding Carton Final Judgment and a written directive setting forth the Company policy regarding compliance with the antitrust laws and with such Final Judgment, (2) represents that the undersigned has read and understands such Final Judgment and directive, (3) acknowledges that the undersigned has been advised and understands that non-compliance with such policy and Final Judgment will result in appropriate disciplinary measures determined by the Company and which may include dismissal, and (4) acknowledges that the undersigned has been advised and understands that non-compliance with the Final Judgment may also result in conviction for contempt of court and imprisonment and/or fine";

(4) The holding of one or more meetings with them to review the terms of this Final Judgment and the obligations it imposes, with such meetings to be arranged and conducted so that each of them attends at least one such meeting within a twelve (12) month period; and

(5) The imposition of a requirement that for a period of five (5) years from the entry of this Final Judgment each of them is, subject to a legally recognized privilege, to report to Company counsel in writing each communication of the type described in Paragraph IV(B), and not otherwise permissible under Section V of this Final Judgment, with an officer, director, representative or employee of any other Defendant or of any other company which manufactures folding cartons. Each of them is to meet this requirement by completing a written report of each such communication, within thirty (30) days of the communication, stating the date, time and place of the communication, the names of all individuals who participated in the communication, and the topics discussed during the communication. Any person required to complete reports of communications by this Paragraph and who completes no such reports during any twelve (12) month period must certify that he or she had no communications of the type described in Paragraph IV(B) of this Final Judgment. Each Defendant shall include in its annual sworn statement required to be filed by Paragraph VII(B) of this Final Judgment, the name and address of each person, if any, who has failed to submit a report or certification required by this Paragraph during the twelve (12) month period preceding the filing of the Defendant's sworn statement and the reason given or privilege claimed by each such person for not filing a report or certification. The

Defendants shall maintain for inspection by the Plaintiff all reports and certifications required by this Paragraph until the sixth (6th) anniversary date of entry of this Final Judgment.

(B) For a period of ten (10) years from the entry of this Final Judgment, each Defendant shall file with the Plaintiff, and under seal with the Court, on or before the anniversary date of this Final Judgment, a sworn statement, by a responsible official designated by the Defendant to perform such duties, setting forth all steps it has taken during the preceding year to discharge its obligations under this Section VII. This statement shall be accompanied by copies of all written directives issued by the Defendant during the prior year with respect to compliance with the antitrust laws and with this Final Judgment.

(C) Upon Order of the Court, on motion by the Plaintiff for good cause shown, the designated official shall appear before the Court to give sworn testimony on the manner of compliance with this Final Judgment.

(D) The Plaintiff may demand a more detailed statement of a Defendant's compliance with this Final Judgment if Plaintiff determines that such defendant's annual compliance statement incompletely states the steps it has taken to discharge its duties under this Section VII.

VIII.

Each defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in the design, printing, manufacture and sale of folding cartons, that the acquiring party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with the Court.

IX.

(A) For the purpose of determining or securing compliance with this Final Judgment, any duly authorized representative of the Department of Justice, shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to legally recognized privilege:

(1) Reasonable access during the office hours of such Defendant, who may have counsel present, to inspect and copy those parts of the books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such Defendant relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such Defendant and without restraint or interference from it, to interview officers or employees of such Defendant regarding any such matters; the officer or employee interviewed and the Defendant each may have its own counsel present.

(B) A Defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing, under oath if requested, with respect to any

of the matters contained in this Final Judgment as may from time to time be reasonably requested, subject to legally recognized privilege.

No information or documents obtained by the means provided in this Final Judgment shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time information or documents are furnished by a Defendant to Plaintiff and such Defendant marks each pertinent page of such material "Confidential", then twenty (20) days notice shall be given by Plaintiff to such Defendant prior to divulging such material in any legal proceeding (other than a Grand Jury Proceeding) to which the Defendant is not a party or pursuant to a request under the Freedom of Information Act.

X.

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.

XI.

This Final Judgment will expire on the twenty-fifth anniversary of its date of entry or, with respect to any particular provision, on any earlier date specified.

XII.

Entry of this Final Judgment is in the public interest.

United States District Judge

United States District Court, Northern District of Illinois, Eastern Division

United States of America, Plaintiff, v. Alton Box Board Co., et al., Defendants. Civil Action No. 76 C 597. Filed: June 28, 1979.

Competitive Impact Statement

This Competitive Impact Statement, relating to the proposed Final Judgment submitted for entry in this case, is filed by the United States pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b). All of the defendants have stipulated their acceptance of the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I.

The Nature and Purpose of the Proceeding

The Complaint in this action, filed on February 18, 1976, alleges that beginning at least as early as 1960 and continuing until November, 1974, the defendants and various co-conspirators conspired to fix the prices of folding cartons. All of the defendants were

manufacturers of folding cartons during the conspiracy period. Folding cartons are used to package a large number of retail products including detergents, frozen foods, beverage containers, cereals, crackers and flour, among others. Nearly all of the principal domestic manufacturers of folding cartons were named as defendants in this case and defendants' sales in 1973 totalled approximately one billion dollars.

In the Prayer to its Complaint, the Government asked the Court to find that the defendants had joined in an unlawful conspiracy in violation of Section 1 of the Sherman Act (15 U.S.C. § 1), to enjoin the defendants from continuing or renewing the conspiracy, and to require the defendants to file reports of certain communications with other manufacturers of folding cartons.

On the same day that the Government filed its Complaint in this proceeding, an Indictment was returned by a federal grand jury in Chicago, charging the same price-fixing offense against the corporate defendants named in the Complaint and fifty executives employed by the defendants. One corporation named as a defendant in the Indictment, Michigan Carton Company, was merged into St. Regis Paper Company, and was not made a defendant in the Government's Complaint. Seventy of the seventy-three defendants in the criminal case pleaded *nolo contendere* to the charges in the Indictment. The disposition of these defendants' pleas was transferred from Judge Thomas R. McMillen to Chief Judge James B. Parsons. Chief Judge Parsons accepted all of the offered *nolo* pleas, over the Government's objections, in July, 1976, and initially sentenced all of the corporate defendants who pleaded *nolo* to the maximum \$50,000 fine then provided for by Section One of the Sherman Act. In September and October of 1976, Chief Judge Parsons reduced the \$50,000 fines imposed on fourteen of the corporate defendants to the following: Brown Company, \$45,000; Burd & Fletcher Company, \$40,000; F. N. Burt Company, Inc., \$30,000; Champion International Corporation, \$30,000; EasTex Packaging Corporation, \$25,000; Federal Paper Board Company, \$45,000; The A. L. Garber Company, Inc., \$35,000; Interstate Folding Box Company, \$30,000; The Mead Corporation, \$30,000; Michigan Carton Company, \$45,000; Potlatch Corporation, \$40,000; Rexham Corporation, \$30,000; St. Regis Paper Company, \$25,000; and Weyerhaeuser Company, \$35,000. On November 30, 1976, Chief Judge Parsons sentenced the forty-seven individual defendants who had pleaded *nolo contendere*. All of the individuals were fined, seventeen were placed on probation, one received a ninety-day suspended jail term and fifteen individuals were sentenced to jail terms ranging from five days to sixty days for R. Harper Brown, President of Container Corporation of America, the largest folding carton company. In February, 1977, Chief Judge Parsons reduced the jail terms of all of the individual defendants initially sentenced to jail and substantially reduced the sentences of individual defendants who agreed to participate in community service programs. At least five individual defendants

participated in the R. Harper Brown Project which was dedicated to the rehabilitation of released prisoners.

The three defendants who did not plead *nolo contendere* to the criminal charge, Consolidated Packaging Corporation and two individuals, were tried before a jury in January, 1977. In its verdict, the jury convicted Consolidated and acquitted the individuals. Consolidated's conviction was subsequently affirmed by the Seventh Circuit Court of Appeals in April, 1978. *United States v. Consolidated Packaging Corporation*, 575 F.2d 117. Consolidated was initially fined \$45,000, but in October, 1978, the fine was reduced by approximately \$5,500, an amount equal to taxable costs of prosecution previously awarded to the Government.

In addition to the civil injunction case and the criminal case, the Government also filed an action against the corporate defendants in May, 1976, which alleged that the Government was entitled to recover damages resulting from the conspiracy and that the Government was entitled to forfeitures resulting from the filing of false claims by defendants. Following discovery in its damage case, the Government was able to prove approximately \$8 million in direct folding carton purchases from defendants during the conspiracy period. In November, 1978, the Government received \$275,000 as a settlement of its damage action, and the damage action was dismissed. All of the defendants contributed to the settlement fund.

Weyerhaeuser Corporation and Fibreboard Corporation are no longer in the folding carton business. The proposed Final Judgment will be applicable to Weyerhaeuser and Fibreboard should they re-enter the folding carton business.

Entry by the Court of the proposed Final Judgment will terminate this litigation. The Court will retain jurisdiction for possible future proceedings which might be required to interpret, modify or enforce the proposed provisions of the Final Judgment.

II.

The Nature of the Alleged Violation

Folding cartons manufactured and sold by the defendants are generally designed and printed according to specifications set by customers. As a result, most folding carton business is sold on a custom-priced basis. Exceptions to this are some commodity-type cartons, such as certain unprinted cartons used to package frozen foods. Major carton purchasers include soap and detergent companies, bakeries, food processors, breweries and soft drink bottlers. The folding carton manufacturers named as defendants in the Complaint, together, account for well over half of all folding carton sales and represent nearly all competitors for high-volume, rapidly-printed, folding carton business.

The Complaint describes a price-fixing conspiracy that operated in several ways. First, with respect to commodity-type cartons, such as unprinted, frozen food cartons, competitors agreed on changes in the list prices prior to the time new price lists were circulated to customers. Second, with

respect to those customers who purchased custom-priced folding cartons on an order-by-order basis, the folding carton companies exchanged prices to ensure that there would be no price-cutting. Thus, an existing folding carton supplier to an account disclosed its current or future prices to the customer to other folding carton manufacturers with the understanding that its competitors would submit higher or non-competitive prices known as "cover." Similarly, with respect to these very large folding carton purchasers which solicited bids from suppliers for a contractual period, the existing supplier of a particular type of carton disclosed its bid for the forthcoming contractual period to competitors with the understanding that the competitors would submit non-competitive, "cover" bids. In these ways the conspiracy described in the Complaint affected the pricing of tens of thousands of transactions in the folding carton industry. In terms of the amount of commerce directly affected, the number of companies and executives who participated, and its duration, the price-fixing conspiracy alleged in the Complaint is as serious as any prosecuted during the first eighty-six years of the Sherman Act.

III.

Explanation of the Proposed Consent Judgment

The proposed Final Judgment contains two principal forms of relief. First, the defendants are enjoined from repeating the behavior which characterized the folding carton conspiracy and from certain other conduct constituting a *per se* violation of Section 1 of the Sherman Act. Second, the proposed Final Judgment places affirmative burdens on defendants to pursue a compliance program directed toward avoiding a repetition of the folding carton price-fixing conspiracy.

A. Prohibited Conduct

Section IV(A) of the proposed Final Judgment restrains the defendants from agreeing with any other folding carton manufacturers to fix prices, to allocate customers or accounts, to submit non-competitive bids or to refrain from bidding. Section IV(B) restrains each defendant from communicating to other folding carton manufacturers the most recent price charged to a customer or a future price to be submitted to a customer. Section IV(C) enjoins the defendants from distributing price lists to other folding carton manufacturers.

B. Defendants' Affirmative Obligations

Section VII requires that each defendant adopt or pursue for ten years, except where a different time limit is specified, an affirmative compliance program directed toward insuring that folding carton employees comply with the antitrust laws. Each defendant must annually distribute the Final Judgment and its written antitrust compliance program to all employees who have folding carton management, pricing or sales responsibility and hold annual meetings with these employees to review the terms and obligations of the decree. These employees must annually certify that they have read and understand the Final Judgment and their

company's antitrust compliance program; they realize that their failure to comply with the Final Judgment may place them in contempt of court; and they realize that their failure to comply with the Final Judgment or to obey their company's compliance program will result in appropriate disciplinary measures taken by their employer. Additionally, Subsection VII(A)(5) requires for a five-year period that employees with folding carton management, pricing or sales responsibility must file written reports with company counsel of all communications with other folding carton manufacturers during which present or future prices to a customer were discussed. Any employee who files no reports during any twelve-month period must certify that he had no communications of the type required to be reported. Section VII(B) also requires each defendant to file each year for a period of ten years with the plaintiff and the Court, a sworn statement setting forth all the steps it has taken during the preceding year to discharge its obligations under Section VII of the Judgment. Finally, under Section IX of the Judgment, the Justice Department will have access, upon reasonable notice, to the defendants' records and personnel in order to determine the defendants' compliance with the Judgment.

C. Scope of the Proposed Judgment

1. Persons Bound by the Decree

The proposed Judgment expressly provides in Section III that its provisions apply to all defendants and to each of their officers, directors, agents, and employees, subsidiaries, successors and assigns and to all other persons who receive actual notice of the terms of the Judgment.

In addition, Section VI of the Judgment prohibits any defendant from selling or transferring all, or substantially all, of its assets used in its folding carton business, unless the acquiring party files with the Court its consent to be bound by the provisions of the Judgment.

2. Geographic Coverage of the Decree.

The provisions of the proposed Judgment apply to actions or transactions within the United States, its territories and possessions, but not to activities outside the United States which do not affect the commerce of the United States.

3. Duration of the Judgment

Section XI provides that the Judgment will expire on the twenty-fifth anniversary of its entry. As explained above, certain other provisions in the Judgment will terminate earlier.

D. Effect of the Proposed Judgment on Competition

The prohibition terms of Section IV of the Judgment are designed to ensure that the defendants will act independently in determining the prices, terms and conditions at which they will sell or offer to sell folding cartons. The affirmative obligations of Section VII are directed toward reminding the defendant's employees of their obligations under the decree in order to avoid a repetition of behavior that occurred in the folding carton industry during the conspiracy period. Compliance with the proposed

Judgment will prevent price collusion among the defendants in the sale of folding cartons.

IV.

Remedies Available to Private Plaintiffs

Any potential private plaintiff who might have been damaged by the facts constituting the alleged violation will retain the same right under Section 4 of the Clayton Act, 15 U.S.C. § 16, to sue for monetary damages and any other legal and equitable remedies that they would have had were the proposed Consent Judgment not entered. However, pursuant to Section 5(a) of the Clayton Act (15 U.S.C. § 16(A)), as amended, this Judgment may not be used as *prima facie* evidence in private litigation. The United States also intends that this settlement will not affect private suits which are already in the courts relating to the transactions covered by the instant case.

Following the return of the indictment in the following carton criminal case and the filing of the Government's Complaint in this proceeding, scores of private, treble-damage actions were filed in federal courts throughout the United States. The private cases were consolidated in the United States District Court for the Northern District of Illinois, Eastern Division, as *In Re Folding Carton Antitrust Litigation*, MDL 250. The Court in the private litigation has certified a class for class action litigation purposes. In addition to damage claims pursued by the class, a number of private plaintiffs have determined to pursue their claims separate from the class action.

All purchasers of folding cartons from defendants should have been notified of the pendency of the class action by representatives of the class. As of this date, the private damage actions are in pretrial discovery, although most of the defendants have settled with plaintiffs in the class action. Proposed class action settlements aggregate approximately \$200 million, not including interest, as of June, 1979.

V.

Procedures Available for Modification of the Proposed Consent Judgment

The proposed Final Judgment is subject to a stipulation between the Government and the defendants which provides that the Government may withdraw its consent to the proposed Judgment any time before the Court has found that entry of the proposed Judgment is in the public interest. By its terms, the proposed Judgment provides for the Court's retention of jurisdiction of this action in order to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act (15 U.S.C. 16), any person wishing to comment upon the proposed Judgment may, for a sixty-day period subsequent to the publishing of this document in the *Federal Register*, submit written comments to the United States Department of Justice, Attention: Gerald A. Connell, Chief, General Litigation Section, Antitrust Division, Washington, D.C. 20530. Such comments and

the Government's response to them will be filed with the Court and published in the *Federal Register*. The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Judgment.

VI.

Alternatives to the Proposed Consent Judgment

This proceeding does not involve any unusual or novel issues of fact or law which might make litigation against the consenting defendants a more desirable alternative than entry of this Consent Judgment. The only relief requested in the Complaint which is not substantially included in the terms of the proposed Final Judgment are a prayer requiring defendants to review at intervals specified by the Court the prices, terms and conditions of each of its folding carton accounts, a prayer applying the injunction against price communications to all defendants' product lines and not just folding cartons, and a prayer requiring the reporting of price communications with competitors with respect to all product lines and not just folding cartons.

In view of the numerous accounts maintained by each defendant and the manner in which folding cartons are usually custom-priced, the Department of Justice concluded that a periodic review of all accounts by defendants would be unduly burdensome and that such relief is not necessary in this litigation.

The Department conducted lengthy negotiations with defendants as to whether the proposed decree should apply to all product lines or just folding cartons. The Department believed that the decree should cover all product lines since a number of defendants appeared to be antitrust recidivists and since the folding carton conspiracy pervaded many levels of management among the defendants, including some employees with responsibility for other product lines. The defendants opposed having the Consent Decree apply to their other product lines since antitrust judgments are customarily limited to the product line that is the subject of the litigation, many defendants were first-time, antitrust criminal offenders, and applying the decree to all product lines would involve defendants in a massive and costly compliance program. During negotiations, the Department of Justice abandoned its efforts to have the decree apply to all product lines because of the defendants' opposition, because litigating this matter in a case involving twenty-two corporate defendants would consume much of the Department's resources, because of the possibility that the Court would not order this relief even if the Government prevailed in a trial, and because the defendants abandoned their initial opposition to a requirement that employees must report in writing folding carton price communications with other folding carton manufacturers.

In other respects, the Judgment provides the relief which was requested in the Complaint. Consequently, it is the Department's view that disposition of the matter without further litigation is

appropriate since the proposed Decree provides the form and scope of relief equal to that which the Department might have obtained in a litigated judgment.

VII.

Determinative Documents

No materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) were considered in formulating this proposed judgment.

Dated: June 28, 1979.

D. Bruce Pearson,

Attorney, United States Department of Justice, Antitrust Division, Washington, D.C. 20530 Telephone (202) 724-6468

[FR Doc. 79-21395 Filed 7-10-79; 8:45 am]

BILLING CODE 4410-01-M

Office of the Attorney General

United States v. The Town of Bernalillo; Notice of Proposed Consent Decree in Action to Enjoin Discharges of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 26, 1979, a proposed consent decree in *United States v. The Town of Bernalillo*, was lodged with the United States District Court for the District of New Mexico. The proposed decree would require The Town of Bernalillo to construct a new wastewater treatment plant which will attain the required operational level as certified by its NPDES permit.

The Department of Justice will receive on or before August 10, 1979, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. The Town of Bernalillo*, D. J. Ref. 90-5-1-1-1079.

The proposed consent decree may be examined at the office of the United States Attorney, United States Courthouse, 500 Gold Avenue, SW., Albuquerque, New Mexico, 87103, at the Region VI office of the Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice (Room 2625), Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and

Natural Resources Division, Department of Justice.

Sanford Sagalkin,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-21394 Filed 7-10-79; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL COMMISSION ON AIR QUALITY

Meeting

The National Commission on Air Quality hereby gives notice of a meeting scheduled for Monday, August 6, 1979. The meeting will be held in Room 4200 of the Dirksen Senate Office Building, located at First Street, N.E. and Constitution Avenue, Washington, D.C., and will begin at 9:00 a.m.

The agenda will include the following items:

1. Approval of the minutes of the June 22, 1979, Commission meeting.
2. Consideration and approval of budget allocations for the Commission's Plan of Study.

After approval of the minutes of the June 22 meeting, it is anticipated that the Commission will consider going into an executive session closed to the public to consider specific budget allocations for individual contract studies and qualifications of individual contractors.

Questions about the meeting should be directed to Mr. Morris A. Ward at (202) 245-6355.

National Commission on Air Quality.

William H. Lewis, Jr.,

Director.

July 5, 1979

[FR Doc. 79-21315 Filed 7-10-79; 8:45 am]

BILLING CODE 6820-98-M

SECURITIES AND EXCHANGE COMMISSION

[Administrative Proceeding File No. 3-5752; 81-502]

Southwestern Group Financial, Inc.; Application and Opportunity for Hearing

June 27, 1979.

Notice is hereby given that Southwestern Group Financial, Inc. (the "Applicant"), has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting the Applicant from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states that it has no securities owned by the public as the

result of a merger with and into Kaneb Services, Inc., on February 28, 1979.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than July 24, 1979 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-21406 Filed 7-10-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-523; Administrative Proceeding File No. 3-5759]

Bangor Punta International Capital Co.; Application and Opportunity for Hearing

June 27, 1979.

Notice is hereby given that Bangor Punta International Capital Company (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act"), seeking an exemption from the reporting requirements of Section 13 of that Act.

The Application states in part: 1. The Applicant is a wholly-owned subsidiary of Bangor Punta Corporation ("Bangor Punta").

2. Bangor Punta is subject to the reporting provisions of Section 13 of the 1934 Act.

3. The Applicant has only one class of securities registered under the 1934 Act, its 5¼% Guaranteed Convertible Debentures Due 1988 (the "Debentures").

4. Bangor Punta holds all outstanding securities of the Applicant except the Debentures.

5. Bangor Punta has unconditionally guaranteed the payment of the Debentures.

6. The Debentures are convertible into Common Stock of Bangor Punta.

Accordingly, the Applicant believes that the requested exemption is appropriate, in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1934 Act.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than July 24, 1979 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after that date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

Service List

Mr. John J. Martin, Bangor Punta
International Capital Company, One
Greenwich Plaza, Greenwich, Connecticut
06830.

Mr. David H. Street, Bangor Punta
Corporation, One Greenwich Plaza,
Greenwich, Connecticut 06830.

Ms. Linda J. Grant, Bangor Punta
International Capital Company, One
Greenwich Plaza, Greenwich, Connecticut
06830.

[FR Doc. 79-21404 Filed 7-10-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/08-0047]

Davis Whittle Co.; Issuance of a Small Business Investment Company License

On May 24, 1979, a notice was published in the Federal Register (44 FR 30184) stating that an application has been filed by The Davis Whittle Company, 850 Arapahoe Street, Boulder, Colorado 80302, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1978)) for a license as a small business investment company.

Interested parties were given until close of business June 8, 1979, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 06/08-0047 on June 28, 1979, to The Davis Whittle Company, to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 5, 1979.

Peter F. McNeish,
Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-21448 Filed 7-10-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0366]

Edwards Capital Corp., Issuance of a License To Operate as a Small Business Investment Company

On March 29, 1979, a Notice was published in the Federal Register (44 FR 18127) stating that Edwards Capital Corporation, 1 Park Avenue, Room 1921, New York, New York 10016, had filed an application with the Small Business Administration pursuant to Section 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1978)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business April 10, 1979, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on June 22, 1979, issued License No. 02/02-0366 to

Edwards Capital Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: June 28, 1979.

Peter F. McNeish,
Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-21449 Filed 7-10-79; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council Executive Board; Public Meeting

The Small Business Administration Region V Advisory Council Executive Board will hold a public meeting at 9:30 a.m. to Noon on Wednesday, August 8, 1979, in Suite 1220, Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois, to discuss such business as may be presented by members, staff of the Small Business Administration, or others attending.

For further information, write or call Donna R. Harrigan, Regional Administrator, U.S. Small Business Administration, 219 South Dearborn Street, Chicago, Illinois 60604—(312) 353-0357.

Dated: July 6, 1979.

K Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-21447 Filed 7-10-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/204]

Study Group 1 of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Notice of Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on July 25, 1979 at 10:00 a.m. in Room 511 of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, data transmission and leased channel services in order to develop U.S. positions to be taken at international CCITT meetings. This meeting will also discuss the relationships between the

CCITT activities and other international groups.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Richard H. Howarth, State Department, Washington, D.C. 20520, telephone (202) 632-1007.

Dated: July 2, 1979.

Richard H. Howarth,
Chairman, U.S. CCITT National Committee.

[FR Doc. 79-21399 Filed 7-10-79; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Excessive Profits and Refunds; Renegotiation Board Interest Rate

The Renegotiation Board previously published the rate of interest determined by the Secretary of the Treasury pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended. Since the Renegotiation Board is no longer in existence, the Department of the Treasury, for the interim, will publish the current rate of interest for excessive profits and refunds.

Therefore, notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, (50 U.S.C. App. 1215(b)(2)) the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such Act, to the period beginning July 1, 1979 and ending on December 31, 1979, is 10¼ per centum per annum.

Dated: July 3, 1979.

Paul Taylor,
Fiscal Assistant Secretary.

[FR Doc. 79-21329 Filed 7-10-79; 8:45 am]

BILLING CODE 4810-25-M

Office of the Secretary

Foreign Portfolio Investment Survey Advisory Committee; Establishment

July 5, 1979.

In accordance with the provisions of the Federal Advisory Committee Act and appropriate Treasury regulations, the Secretary of the Treasury has approved, with GSA/OMB concurrence, the establishment of an advisory committee to provide assistance and advice under the International

Investment Survey Act of 1976 (Pub. L. 94-473).

Pub. L. 94-473 requires the collection and analysis of data relating to international investment and its effect upon the national security, commerce, employment, inflation, general welfare, and foreign policy of the United States. The Secretary of the Treasury is responsible for collecting the required data on foreign portfolio investment in the United States and for making a survey of United States portfolio investment abroad. Section 8(a) of Pub. L. 94-473 requires that the Secretary secure balanced, diverse, and responsible views from qualified persons representing business, organized labor, and the academic community in carrying out these functions. This committee is being established to satisfy this requirement.

Membership will consist of knowledgeable representatives from the business, organized labor and academic communities.

Questions or comments relating to the establishment and functions of this committee should be addressed to Mr. George Miller, Executive Assistant to the Assistant Secretary (Economic Policy), Department of Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220 (phone: 202-566-2757).

Daniel H. Brill,

Assistant Secretary (Economic Policy).

[FR Doc. 79-21372 Filed 7-10-79; 8:45 am]

BILLING CODE 4810-25-M

INTERSTATE COMMERCE COMMISSION

[No. MC-115826 (Sub-No. 318) F]

W. J. Digby, Inc., Extension—Boulder Foodstuffs (Denver, CO)

Decided: June 18, 1979.

Applicant has filed an application seeking a certificate of public convenience and necessity authorizing operations substantially as described in the appendix. The amended application has been considered under the modified procedure. No one opposes the application.

The proposed amendment significantly broadens the application in some respects, while narrowing it in other respects. Excepts for good cause shown, amendments to applications which broaden the scope of the proposed operations will not be allowed if tendered after notice of the filing of the application has been published in the *Federal Register*, Rule 247(d) of the

Commission's Rules of Practice. [49 CFR 1100.247(d)]. We believe good cause has been shown for accepting the proposed amendment. After filing of the application, a change in ownership of the supporting shipper occurred. This change in ownership has substantially altered the nature of the shipper's need for transportation services. In these circumstances, the proposed amendment, including its broadening aspects, will be accepted. The evidence supports a finding of need for the proposed operations.

Because the service for which a need has been shown exceeds the scope of the authority sought, as published in the *Federal Register* (43 FR 29239, July 6, 1978, issuance of a certificate will be withheld for a period of 30 days following publication in the *Federal Register* of a notice of the service authorized here. During the 30-day period any person not a party to this proceeding may file petition to intervene, or for other appropriate relief, setting forth with particularity how it has been prejudiced by the failure of the prior publication to give notice to the extent of the service authorization.

We find: The present and future public convenience and necessity require operation by applicant, performing the services described in the appendix. Applicant is fit, willing, and able to properly perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. Subject to the special condition set forth in the appendix, an appropriate certificate should be granted. This decision does not significantly affect the quality of the human environment.

It is ordered: Applicant's proposed amendment is accepted.

The application is granted to the extent set forth in the appendix.

Operations may begin only following the service of a *certificate* which will be issued, subject to the condition set forth in the appendix, if applicant complies with the following requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (49 CFR 1044), and tariffs (49 CFR 1310).

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

H. G. Homme, Jr.,
Secretary.

Appendix

Authority to conduct the following operations will be issued in an appropriate document. This decision does not constitute

To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Central Packing Co., at or near Boulder and Denver, CO, to points in the United States (except Alaska, Colorado, and Hawaii), restricted to the transportation of traffic originating at the named origin facilities.

Special Condition: Issuance of a certificate in this proceeding shall be withheld for a period of 30 days from the date of publication in the *Federal Register* of a notice of the authority actually granted in this decision.

[FR Doc. 79-21418 Filed 7-10-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

July 6, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before July 26, 1979. FSA 43715, Sealand Service, Inc., No. 106, intermodal rates on general commodities in containers from ports in the Far East to rail carrier's terminal at Mobile, Ala., by way of rail-ocean interchange points on the United States Pacific Coast, in its Tariff ICC SEAU 311 and six other tariffs, effective July 25, 1979. Grounds for relief—water competition.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-21419 Filed 7-10-79; 8:45 am]

BILLING CODE 7035-01-M

[Volume No.67]

Permanent Authority Decisions Decision-Notice

Decided: May 24, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected*. A petition for intervention without leave must comply with Rule 247 (k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the

scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247 (k) may file a petition for leave to intervene under Rule 247 (l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted

problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before August 10, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

H. G. Homme, Jr.,
Secretary.

MC 381 (Sub-18F), filed March 1, 1979. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *non-ferrous metals*, and *materials, equipment, and supplies* used in the manufacture and distribution of non-ferrous metals (except in dump vehicles), between the facilities of Colonial Metals Co., at or near Columbia, PA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 12940 (Sub-4F), filed March 6, 1979. Applicant: DOUGLAS & BESS, INC., Box 238, Statesville, NC 28677. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed and feed ingredients* (except commodities in bulk), from Decatur, IL, to points in NC, under continuing contract(s) with A. E. Staley Manufacturing Company, of Decatur, IL. (Hearing site: Charlotte, NC.)

MC 35320 (Sub-221F), filed March 1, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts of ammunition), serving the facilities of Hoyne Industries, Inc., at or near McDonough, GA, and Greenwood, MS, as off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 35320 (Sub-222F), filed March 1, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce,

transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts of ammunition), serving the facilities of Columbus Mills, at or near Columbus, GA, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Columbus, GA, or Washington, DC.)

MC 35320 (Sub-223F), filed March 1, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of usual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts of ammunition), serving the facilities of Plantation Fashions, at or near Jackson, GA, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 48441 (Sub-37F), filed March 6, 1979. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers and container closures*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), (a) between Oak Creek, WI, on the one hand, and, on the other, points in MO and KY, and (b) between La Porte, IN, on the one hand, and, on the other, points in KY, OH, and MO. (Hearing site: Chicago, IL.)

MC 48441 (Sub-38F), filed March 6, 1979. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper articles and plastic articles*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), from the facilities

of Continental Diversified Industries, Bondware Division, at or near Shelbyville, IL, to points in KY, MI, PA, and WI, restricted to the transportation of traffic originating at the named origin. (Hearing site: Chicago, IL.)

MC 52460 (Sub-236F), filed March 7, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AL, AR, CO, FL, GA, LA, MS, MO, NC, NM, OK, and SC, restricted to the transportation of traffic originating at the named origin. (Hearing site: Dallas, TX.)

MC 108121 (Sub-15F), filed March 1, 1979. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., a Corporation, 18800 Southcenter Parkway, Tukwila, WA 98188. Representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, WA 98101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automobiles and trucks*, in secondary movements, in truckaway service, between points in ID, OR, MT, and WA. NOTE: The persons or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) formerly Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. Condition: Issuance of a Certificate in this proceeding shall cancel Certificate No. MC-108121, issued September 22, 1975. (Hearing site: Spokane, WA, or Butte, MT.)

MC 111401 (Sub-549F), filed March 5, 1979. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products*, in bulk, (a) from Kansas City, KS, to points in SC, UT, and WY, and (b) from Oklahoma

City, OK, to points in NC and SC. (Hearing site: Kansas City, KS, or Oklahoma City, OK.)

MC 112801 (Sub-224F), filed March 6, 1979. Applicant: TRANSPORT SERVICE CO., a Corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, from Plaquemine, LA, to points in the United States (except AK and HI). (Hearing site: New Orleans, LA, or Washington, DC.)

MC 112801 (Sub-225F), filed March 6, 1979. Applicant: TRANSPORT SERVICE CO., a Corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, in tank vehicles, between the facilities of Dow Chemical U.S.A., in Brazoria County, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Houston or Dallas, TX.)

MC 112801 (Sub-226F), filed March 6, 1979. Applicant: TRANSPORT SERVICE CO., a Corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, from Kalamazoo, MI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 112801 (Sub-227F), filed March 6, 1979. Applicant: TRANSPORT SERVICE CO., a Corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Dow Chemical U.S.A., at Channahon, IL, to those points in the United States on and east of U.S. Hwy 85. (Hearing site: Chicago, IL, or Cleveland, OH.)

MC 118130 (Sub-103F), filed March 5, 1979. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, TX 76115. Representative: Billy R.

Reid, P.O. Box 8335, Fort Worth, TX 76112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *margarine, shortening, salad oil, bacon bits, powdered milk, and butter*, from Fort Worth, TX, to points in CO, NM, and OK, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Dallas or Fort Worth, TX.)

MC 118130 (Sub-104F), filed March 7, 1979. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, TX 76115. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bakery goods* (except frozen), from Valdosta, GA, to points in LA. (Hearing site: Dallas, TX, or Atlanta, GA.)

MC 119641 (Sub-160F), filed March 8, 1979. Applicant: RINGLE EXPRESS, INC., 450 East Ninth St., Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plywood and composition board*, from Cuthbert, GA, to points in IA, IL, IN, KY, MI, MN, MO, NE, ND, NY, OH, PA, SD, and WI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119641 (Sub-161F), filed March 7, 1979. Applicant: RINGLE EXPRESS, INC., 450 East Ninth St., Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from points in Georgetown County, SC, to points in IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, NY, OH, PA, SD, and WI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119741 (Sub-151F), filed March 5, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C.

209 and 766 (except hides and commodities in bulk, in tank vehicles), between the facilities of Del Pero-Mondon Meat Co., at or near Booneville, AR, on the one hand, and, on the other, points in AR, CT, DE, IA, IL, IN, KS, KY, MA, MD, MI, MN, MO, NE, NJ, NY, ND, OH, OK, PA, RI, SD, TX, VA, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Wichita, KS.)

MC 125470 (Sub-45F), filed March 1, 1979. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt and salt products*, from Hutchinson, KS, to points in ND, SD, MN, IL, and WI. (Hearing site: Norfolk or Lincoln, NE.)

MC 128030 (Sub-121F), filed March 1, 1979. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, IL 61801. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. To operate as a *common carrier*, in interstate or foreign commerce, over irregular routes, transporting (1) *amusement equipment and sports equipment*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between Champaign, IL, on the one hand, and, on the other, points in the United States (except AK and HI.)

MC 135691 (Sub-27F), filed March 6, 1979. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, Box 340080, Dallas, TX 75234. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sugar, citric acid, and xylitol*, (except commodities in bulk), from the facilities of Hoffmann-LaRoche, Inc., at or near Belvidere, Nutley, and Branchburg, NJ, to Salisbury, MD, Decatur, GA, Dallas and Fort Worth, TX, and points in CA, IA, IL, IN, MI, MO, NC, NE, OH, and VA, under continuing contract(s) with Hoffmann-LaRoche, Inc., of Nutley, NJ. (Hearing site: Dallas, TX.)

MC 135861 (Sub-37F), filed March 7, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes,

transporting *tea*, from points in NY and NJ, to points in CA and TX, under continuing contract(s) with Eastern Tea Corporation, of Brooklyn, NY. (Hearing site: Dallas, TX.)

MC 135861 (Sub-38F), filed March 7, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in the United States (except AK and HI), under continuing contract(s) with MBPXL Corporation, of Wichita, KS. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 136511 (Sub-31F), filed March 1, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 24502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *confectionery*, from the facilities of R. M. Palmer Co., at or near W. Reading and Wyomissing, PA, to points in AZ, CA, CO, GA, ID, NC, NM, NV, OR, UT, TX, and WA, and (2) *confectionery and cough drops*, from the facilities of Luden's, Inc., at or near Reading, PA, to points in AL, AZ, CA, CO, GA, ID, LA, MS, NC, NM, NV, OK, OR, SC, TN, TX, UT, and WA. (Hearing site: Philadelphia, PA, or Washington, D.C.)

MC 139171 (Sub-2F), filed March 6, 1979. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, City of Industry, CA 91749. Representative: Patricia M. Schnegg, 1800 United California Bank Bldg., 707 Wilshire Blvd., Los Angeles, CA 90017. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hospital supplies*, between El Paso, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Convertors, Division of American Hospital Supply Corporation, of El Paso, TX. (Hearing site: Los Angeles, CA.)

MC 140601 (Sub-11F), filed March 6, 1979. Applicant: BILLY FRANK, d.b.a. FRANK BROS., 349 Abbott Ave., Hillsboro, TX 76645. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Nucor Steel, Div. of Nucor Corporation, at or near Jewett, TX, to points in AL, AR, AZ, CA, CO, FL, GA, KS, KY, LA, MO, MS, NC, NE, NM, NV, OK, SC, TN, TX, and UT, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, (except commodities in bulk), in the reverse direction, under continuing contract(s) with Nucor Steel, Div. of Nucor Corporation, of Jewett, TX. (Hearing site: Dallas, TX.)

MC 142601 (Sub-1F), filed March 1, 1979. Applicant: CECO TRANSPORT, INC., 5601 West 26th St., Chicago, IL 60650. Representative: Daniel C. Sullivan, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *doors and door frames*, (2) *parts, attachments, and accessories* for doors and door frames, and (3) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of the commodities named in (1) and (2) above, (except commodities in bulk), between Marysville, CA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with the The Ceco Corporation, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 143540 (Sub-11F), filed March 1, 1979. Applicant: MARINE TRANSPORT COMPANY, a corporation, 330 Shipyard Blvd., P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bakery ingredients*, from the facilities of Globe Products Company, Inc., at or near Clifton, NJ, to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, and TX, under continuing contract(s) with Globe Products Company, Inc., of Clifton, NJ. (Hearing site: Raleigh, NC or Washington, DC.)

MC 144201 (Sub-4F), filed March 7, 1979. Applicant: V. M. P. ENTERPRISES, INC., 3006 South 40th St., Milwaukee, WI 53215. Representative: William C. Dineen, Suite 412 Empire Bldg., 710

North Plankinton Ave., Milwaukee, WI 53203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *buses*, in initial movements, in driveaway service, from Roswell, NM, to points in the United States (including AK, but excluding HI). (Hearing site: Milwaukee, WI.)

MC 145760 (Sub-4F), filed March 5, 1979. Applicant: JOHNSON TRANSPORTATION, CO., a Corporation, 1327 Highway 13 North, Columbia, MS 39439. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *brick and tile*, from Plant City, FL, to points in AL, AR, CO, GA, IL, IN, KS, KY, LA, MI, MO, MS, NM, NC, OH, OK, SC, TN, TX, VA, and WV. (Hearing site: Tampa, FL, or Jackson, MS.)

MC 145821 (Sub-1F), filed March 5, 1979. Applicant: THURMOND BENNETT TRUCKING, INC., P.O. Box 628, Sparta, NC 28675. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture*, from the facilities of Coleman Furniture Corporation, at Pulaski, VA, to points in AZ, CA, ID, MT, NM, NV, OR, UT, and WA, under continuing contract(s) with Coleman Furniture Corporation, of Pulaski, VA. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 145950 (Sub-7F), filed March 6, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *laminated sheet plastic*, from the facilities of Wilsonart, Division of Dart Industries, Inc., at or near Temple, TX, to Seattle, WA, San Francisco and Los Angeles, CA, Denver, CO, Chicago, IL, Detroit and Grand Rapids, MI, Boston, MA, New York, NY, Pennsauken, NJ, Atlanta, GA, Miami, FL, Kenyon, MN, Salt Lake City, UT, and Phoenix, AZ.

Note.—Dual operations may be involved. (Hearing site: Dallas, TX.)

MC 146210 (Sub-2F), filed March 5, 1979. Applicant: MARK IV MESSENGER, INC., Marron Bldg., 50 North Franklin Turnpike, Hohokus, NJ

07423. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *computer printouts, computer terminals, and materials, equipment, and supplies* used in the installation and operations of computer terminals, between Rochelle Park, NJ, points in MA, RI, and CT, those points in PA on and east of U.S. Hwy 15, and points in Columbia, Dutchess, Greene, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, NY, under continuing contract(s) with Xerox Computer Services, of Rochelle Park, NJ. (Hearing site: Newark, NJ, or New York, NY.)

[FR Doc. 79-21416 Filed 7-10-79; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 82]

Permanent Authority Decisions; Decision-Notice

Decided: June 8, 1979

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Failure to file a protest, on or before August 10, 1979, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed.

Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the

Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find,

preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before August 10, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

H. G. Homme, Jr.,
Secretary.

MC 65580 (Sub-27F), filed February 26, 1979. Applicant: MUSHROOM TRANSPORTATION CO., INC., 845 East Hunting Park Ave., Philadelphia, PA 19124. Representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cleveland, OH, and junction Interstate Hwy 90 and OH-IN State line, over Interstate Hwy 90, (2) between Cleveland, OH, and junction Interstate Hwy 71 and OH-KY State line, over Interstate Hwy 71, (3) between Cleveland, OH, and junction Interstate Hwy 77 and OH-WV State line, over Interstate Hwy 77, (4) between Elyria, OH, and junction Interstate Hwy 80 and OH-PA State line, over Interstate Hwy 80, (5) between Toledo, OH and OH-KY State line, (a) over Interstate Hwy 75 and (b) over U.S. Hwy 23, (6) between

junction U.S. Hwy 30 and OH-WV State line and junction U.S. Hwy 30 and OH-IN State line, over U.S. Hwy 30, (7) between Cincinnati, OH and junction U.S. Hwy 50 and OH-WV State line, over U.S. Hwy 50, (8) between Cincinnati, OH, and junction U.S. Hwy 127 and OH-MI State line, over U.S. Hwy 127, (9) between junction U.S. Hwy 224 and OH-PA State line and junction U.S. Hwy 224 and OH-IN State line, over U.S. Hwy 224, (10) between Cincinnati, OH, and junction U.S. Hwy 22 and Junction U.S. Hwy 22 and OH-PA State line, over U.S. Hwy 22, (11) between Columbus, OH, and Athens, OH, over U.S. Hwy 33, (12) between Bridgeport, OH, and junction Interstate Hwy 70 and OH-IN State line, over Interstate Hwy 70, (13) between Cambridge, OH and Bridgeport, OH, over U.S. Hwy 40, (14) between Cleveland, OH and OH-PA State line, (a) over Interstate Hwy 90, and (b) over U.S. Hwy 422, (15) between Ashtabula and Youngstown, OH, over OH Hwy 11, and (16) between Pittsburgh, PA and junction Interstate Hwy 70 and WV-OH State line, from Pittsburgh over Interstate Hwy 279 to Junction Interstate Hwy 79, then over Interstate Hwy 79 to junction Interstate Hwy 70, then over Interstate Hwy 70 to WV-OH State line, and return over the same route, as an alternate route for operating convenience only, and serving all intermediate points and all off-route points in OH in (1) through (14) above.

Conditions: (1) The regular-route authority granted here shall not be severable, by sale or otherwise, from applicant's retained pertinent irregular-route authority. (2) Applicant must request, in writing, the imposition of restrictions on its underlying irregular-route authority precluding service between the two points authorized to be served here pursuant to regular-route authority. (Hearing site: Pittsburgh, PA.)

Note.—The purpose of this application is to convert applicant's existing irregular-route authority to regular-route authority.

MC 68860 (Sub-35F), filed December 21, 1978. Applicant: RUSSELL TRANSFER, INCORPORATED, 5259 Aviation Drive, NW., Roanoke, VA 24012. Representative: Liniel G. Gregory, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting 1(a) *farm machinery, materials, equipment, and supplies*, (except commodities in bulk and those requiring special equipment), (b) *construction materials, equipment, and supplies*, (except commodities in bulk

and those requiring special equipment), (c) *mining materials, equipment, and supplies*, (except commodities in bulk and those requiring special equipment), and (d) *road machinery, materials, equipment and supplies*, (except commodities in bulk and those requiring special equipment), (2) *iron and steel articles* as described in Appendix V to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (3) *Electric Controller, controller parts, and air cargo containers*, between points in Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Clarke, Craig, Culpeper, Dickenson, Faquier, Floyd, Franklin, Frederick, Giles, Grayson, Greene, Hailfax, Henry, Highland, Lee, Loudoun, Madison, Montgomery, Nelson, Orange, Page, Patrick, Pittsylvania, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe, VA, on the one hand, and, on the other, points in DE, those points in KY on and east of a line beginning at Covington and extending along U.S. Hwy 25 to Lexington, KY, then along U.S. Hwy 27 to the KY-TN State line, and points in MD, NJ, NC, OH, PA, and SC, and those points in TN on and south of a line beginning at the VA-TN State line and extending to junction U.S. Hwy 25, then along U.S. Hwy 25 to the TN-NC State line, and points in WV and DC, restricted in (3) above to the transportation of traffic originating at or destined to points in Philadelphia, PA, and Charlottesville, VA, and having a prior or subsequent movement by air. (Hearing site: Washington, DC, or Roanoke, VA.)

MC 126111 (Sub-9F), filed November 6, 1978, and previously noticed in FR issue of January 30, 1979. Applicant: SCHAETZEL TRUCKING COMPANY, INC., 520 Sullivan Drive, Fond du Lac, WI 54935. Representative: William Patrick Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sweetened condensed milk*, from Neenah, WI, to points in GA, IL, PA, TN, and TX, under continuing contract(s) with Galloway Company, of Neenah, WI. (Hearing site: Milwaukee, WI.)

Note.—This republication shows TN as a destination State in lieu of IN.

MC 146961F, filed January 11, 1979. Applicant: INTERLAKE SYSTEMS, INC.,

214 Route 130, Cinaminson, NJ 08075. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *powdered iron and powdered iron byproducts*, (A) from the facilities of Hoeganaes Corp. at or near Riverton, NJ, to points in IA, IL, IN, KY, MI, MS, OH, PA, TN, and WI, and (B) from the facilities of Hoeganaes Corp. at or near Gallatin, TN, to points in IA, IL, IN, KY, MI, MS, NJ, OH, PA, and WI; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), from the destination points in (A) and (B) above, to the facilities of Hoeganaes Corp., at or near (a) Riverton, NJ and (b) Gallatin, TN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Philadelphia, PA, or Washington, D.C.)

Passenger Authority

MC 145000 (Sub-2F), filed February 16, 1979. Applicant: MORRIS D. HAMMOND, d.b.a., MORRIS CAB COMPANY, Route 4, Trenton, MO 64683. Representative: Thomas O. Pickett, 924 Main Street, P.O. Box 71, Trenton, MO 64683. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Passengers*, between Trenton, MO, Eldon, Ottumwa, and Des Moines, IA. (Hearing site: Kansas City, MO, or Des Moines, IA.)

MC 146490F, filed February 26, 1979. Applicant: ORVILLE ANDREWS, d.b.a., KENT LIVERY, Skiff Mountain Road, Kent, CT 06757. Representative: Grant J. Nelson, P.O. Box 333, Kent, CT 06757. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, limited to not more than 11 passengers, not including the driver, (1) from Towns of Kent and New Milford, CT, to points in NY, NJ, MA, RI, VT, and DC, and (2) from points in NY, NJ, MA, RI, VT, and DC, to Towns of Kent and New Milford, CT. (Hearing site: Hartford or New Haven, CT.)

[FR Doc. 79-21417 Filed 7-10-79; 8:45 am]

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[Volume No. 92]

**Permanent Authority Decisions;
Decision-Notice**

Decided: June 12, 1979.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's Rules of Practice (49 CFR § 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Failure to file a protest, on or before August 10, 1979, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed.

Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before August 10, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

H. G. Homme, Jr.,

Secretary.

MC 146068 (Sub-7F), filed December 14, 1978. Applicant: CONSOLIDATED CARRIERS CORPORATION, 2119 N. Davidson Rd., Charlotte, NC 28205. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *mobile home tires mounted on wheels, mobile home axles, and lug nuts for mobile home axles*, from the facilities of West Coast Mobile Tire Co., at (a) Takoma, WA, (b) Portland, OR, (c) Tucson, AZ, (d) Reno, NV, and (e) Lodi, CA, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 147128F, filed December 11, 1978. Applicant: IRISH TRANSPORT, INC., P.O. Box 741, Dublin, GA 31021. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *newsprint*, from Laurens County, GA, to points in AL, FL, GA, KY, LA, MS, NC, SC, TN, VA, TX, AR, MO, IL, IN, OH, WV, MD, PA, OK, and KS, and (2) *materials, equipment, and supplies* used in the manufacture of newsprint, in the reverse direction. (Hearing site: Atlanta, GA.)

[FR Doc. 79-21415 Filed 7-10-79; 8:45 am]

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[Volume No. 98]

**Permanent Authority Decisions;
Decision-Notice**

Decided: June 5, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247).

These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*.

Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an application has introduced rates as an issue it is noted. Upon requests, an applicant must provide a copy of the

tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before August 10, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set

forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3 Members, Parker, Fortier, and Hill.

H. G. Homme, Jr.,
Secretary.

MC 2473 (Sub-18F), filed March 26, 1979. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Rd., Lexington, NC 27292. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *floor coverings, and such commodities as are used in the distribution or installation of floor coverings*, from Vails Gate, NY, to points in VA, NC, and SC. (Hearing site: Greensboro or Charlotte, NC)

MC 22182 (Sub-36F), filed March 19, 1979. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, Bryn Mawr, PA 19380. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automobiles and trucks*, in truckaway service, in initial movements, (1) from the facilities of Ford Motor Company at Lorain, OH, to points in DE, IL, IN, MD, the Lower Peninsula of MI, NJ, NY, and PA, and (2) from the facilities of Ford Motor Company at Atlanta, GA, to points in OH on and north of U.S. Hwy 40. (Hearing site: Philadelphia, PA or Washington, DC)

MC 30032 (Sub-6F), filed March 22, 1979. Applicant: GRANE TRANSPORTATION LINES, LTD., 1011 South Laramie Avenue, Chicago, IL 60644. Representative: Hubert Grane, Jr., (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, motor vehicles, commodities in bulk, and those requiring special equipment), (1) from Chicago, IL, to St. Louis, MO, and points in IN, IA, KY, MI, MN, OH, and WI, restricted to

the transportation of traffic having a prior movement by rail, and (2) from St. Louis, MO, and points in IN, IA, KY, MI, MN, OH, and WI to Chicago, IL, restricted to (a) the transportation of traffic having a subsequent movement by rail, (b) the transportation of traffic not having a subsequent movement by rail in mixed loads with traffic in (a), and (c) the transportation of traffic moving in substitute rail service. (Hearing site: Seattle, WA).

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of class A and B explosives, it will expire 5 years from the date of issuance.

MC 31462 (Sub-26F), filed March 26, 1979. Applicant: PARAMOUNT MOVERS, INC., 3164 Springfield Road, Lancaster, TX 75146. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods*, (1) between points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, and (2) between points named in (1) above, on the one hand, and, on the other, points in WA, ID, OR, CA, UT, NV, AZ, and MT. (Hearing site: Lancaster or Dallas, TX).

MC 47583 (Sub-87F), filed March 19, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hulst, P.O. Box 225, Lawrence, KS 66044. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of Fort Howard Paper Company, at or near Green Bay, WI, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, and DC. (Hearing site: Washington DC)

MC 47583 (Sub-92F), filed March 28, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hulst, P.O. Box 225, Lawrence, KS 66044. To operate as

a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum lubricating oils and grease*, (except commodities in bulk), from the facilities of Pennzoil Co., at or near Maryland Heights, MO, to points in AR, CO, KS, LA, MS, NE, NM, OK, TN, TX, and WY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Kansas City, MO)

MC 61592 (Sub-434F), filed March 19, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *air compressors and rotary drills*, (2) *parts* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) and (2) above, (except commodities in bulk), between Franklin (Venango County), PA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Washington, DC)

MC 61592 (Sub-439F), filed March 23, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from Huntington, WV, to points in IL, IN, and NC; and (2) *iron castings, slag pots, ingot molds, pipe, pipe couplings, nipples, and rough forgings*, from points in Ohio County, WV, to points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA)

MC 61592 (Sub-440F), filed March 27, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cattle feeders, liquid feed tanks, pickup racks, farrowing crates, anchor bolts, and fabricated steel products*, from the facilities of Grain & Confinement Systems, Inc., d/b/a/Apache Enterprises, at or near Norfolk, NE, to points in CO, IA, KS, MN, MO, MT, ND, SD, and WY; and (2) *agricultural machinery, parts for agricultural machinery, and supplies used in the distribution of agricultural machinery*, (except commodities in

bulk), from the facilities of DewEze Manufacturing, Inc., at or near Harper, KS, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO)

MC 61592 (Sub-445F), filed March 15, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tractors* (except those with vehicle beds, bed frames, and fifth wheels), (2) *equipment designed for use in conjunction with tractors*, (3) *agricultural, industrial, and construction equipment*, and (4) *attachments* for the commodities in (2) and (3) above, from Burlington, IA, to points in AR, LA, and MS. (Hearing site: Chicago, IL.)

MC 80653 (Sub-15F), filed March 28, 1979. Applicant: DAVID GRAHAM COMPANY, a corporation, P.O. Box 254, Levittown, PA 19059. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Dover, OH, and the facilities of Cyclops Corp., Empire-Detroit Steel Division, at Mansfield, OH, to points in MA, CT, RI, NY, NJ, PA, MD, DE, VA, NC, and DC. (hearing site: Washington, DC.)

MC 82063 (Sub-103F), filed March 27, 1979. Applicant: KLIPSCH HAULING CO., a corporation, 10795 Watson Rd., Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW, Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, from Chicago, IL, to points in AR, KS, LA, MO, MS, OK, TX, and TN. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 107002 (Sub-546F), filed March 23, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals*, in bulk, in tank vehicles, (a) from Bay Minette, LeMoyne, and Mobile, AL, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VT, and VA, and (b) from McIntosh, AL, to points in CA; and (2) *liquid chemicals, vegetable oils, vegetable oil products, naval stores, and*

naval stores products, in bulk, in tank vehicles, from Hattiesburg, MS, to points in CA, CO, DE, NJ, NY, PA, and VA. NOTE: Applicant's stated purpose is to substitute single-line service for interline service. (Hearing site: Mobile, AL, or Jackson, MS.)

MC 107002 (Sub-547F), filed March 23, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in bulk, in tank vehicles, from West Memphis, AR, to points in KY, MS, and TN. (Hearing site: Memphis, TN.)

MC 107012 (Sub-353F), filed March 21, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* (a) as are dealt in by restaurants and (b) as are used in the construction and operation of restaurants, (except commodities in bulk and commodities the transportation of which because of size or weight requires the use of special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Franchise Service, Inc. (Hearing site: Wichita, KS, or Tulsa, OK.)

MC 107103 (Sub-15F), filed March 26, 1979. Applicant: ROBINSON CARTAGE CO., a corporation, 2712 Chicago, Dr., SW, Grand Rapids, MI 40509. Representative: Ronald J. Mastej, 900 Guargian Bldg., Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *iron and steel articles, and materials, equipment, and supplies used in the manufacture or distribution of iron and steel articles*, between the port of entry on the international boundary line between the United States and Canada at Sault Ste. Marie, MI, on the one hand, and, on the other, points in MI. (Hearing site: Lansing or Detroit, MI.)

MC 109692 (Sub-79F), filed March 26, 1979. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a corporation, Route 13, Kansas City, MO 64161. Representative: Warren H. Sapp, P.O. Box 16047, Kansas City, MO 64112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign

commerce, over irregular routes, transporting *such commodities as are dealt in or used by manufacturers or dealers of agricultural equipment, industrial equipment, and lawn and leisure products*, (except commodities in bulk), between the facilities of International Harvester Company, at Canton, East Moline, Moline, and Rock Island, IL, on the one hand, and, on the other, points in CO, ID, KS, MO, NE, NV, UT, and WY, restricted to the transportation of traffic originating at or destined to the facilities of International Harvester Company, at Canton, East Moline, Moline, and Rock Island, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-578F), filed March 23, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel shot*, from Detroit, MI, Buffalo, NY, and Toledo, OH, to points in IA, IL, KS, MO, MN, NE, and WI. (Hearing Site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-579F), filed March 23, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, from Monongahela, PA, to Decatur, IL. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Applicant states its purpose is to substitute single-line service for joint-line service.

MC 114552 (Sub-208F), filed March 27, 1979. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Box 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pallets*, (1) from the facilities of Atlanta Southern Corporation, at or near Ellijay, GA, to Mobile and Birmingham, AL, points within 65 miles of Birmingham, and points in OK, KS, NE, SD, ND, IA, MN, WI, ME, VT, and NH, and (2) from the facilities of Atlanta Southern Corporation, at or near Loganville, GA, to Mobile and Birmingham, AL, points within 65 miles of Birmingham, and points in FL, NC, VA, WV, MD, DE, PA, NJ, CT, RI, MA, NH, VT, ME, WI, MN,

IA, ND, SD, NE, KS, OK, and DC. (Hearing site: Washington, DC.)

MC 116132 (Sub-6F), filed March 23, 1979. Applicant: NATIONAL TANK TRUCK DELIVERY, INC., 85 E. Gay St., Columbus, OH 43215. Representative: Earl N. Merwin (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by manufacturers or dealers of agricultural equipment, industrial equipment, and motor vehicles*, (except commodities in bulk), between the facilities of International Harvester Company, at points in IN and OH, on the one hand, and, on the other, points in IN, KY, MI, and OH, under continuing contract(s) with International Harvester Company, of Chicago, IL. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 116763 (Sub-500F), filed March 23, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clay and clay products* (except commodities in bulk), from the facilities of Oil-Dri Corporation of America, at or near Ochlocknee, GA, to points in IL, IN, and OH, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 117883 (Sub-242F), filed March 26, 1979. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, One Vista Dr., Versailles, OH 45380. Representative: Neil E. Hannan (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of Marion Foods Corporation, at or near East Williamson, Marion, Newark, Oaks Corners, and Williamson, NY, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Buffalo, NY, or Washington, DC.)

MC 118803 (Sub-12F), filed March 26, 1979. Applicant: ATLANTIC TRUCK LINES, INC., 100 Hamilton Plaza, Paterson, NJ 07507. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign

commerce, over irregular routes, transporting *foil and scrap, and materials, equipment, and supplies used in the manufacture or distribution of foil*, (except commodities in bulk), between the facilities of Revere Copper and Brass, Inc., Brooklyn Foil Division, at New York, NY, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with Revere Copper and Brass, Inc., of New York, NY. (Hearing site: New York, NY.)

MC 119493 (Sub-279F), filed March 28, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals and chemical compounds*, (except commodities in bulk), (a) from Ringwood, IL, to Weeks Island, LA, and (b) from Weeks Island, LA, to Ringwood and Elk Grove Village, IL; and (2) *containers*, from Weeks Island, LA, to Ringwood, IL. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 119632 (Sub-91F), filed March 29, 1979. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk, and except in vehicles equipped with mechanical refrigeration), between the facilities of Campbell Soup Company at Napoleon, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, and NJ, restricted to the transportation of traffic originating at or destined to the facilities of the named origin facilities. (Hearing site: Toledo, OH, or Columbus, OH.)

MC 121272 (Sub-5F), filed March 22, 1979. Applicant: HESS TRUCKING CO., a corporation, 1000 West Chocolate Avenue, Hershey, PA 17033. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hershey, PA, on the one hand, and, on the other, points in Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Elk,

Franklin, Fulton, Huntingdon, Jefferson, Juniata, Lycoming, Mifflin, Perry, Snyder, Somerset, Union, and York Counties, PA. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 123272 (Sub-25F), filed March 23, 1979. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from Cincinnati, OH, to points in TN and PA. (Hearing site: Chicago, IL.)

MC 123392 (Sub-85F), filed March 19, 1979. Applicant: JACK B. KELLEY, INC., Route 1, Box 400, Amarillo, TX 79106. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied carbon dioxide*, in bulk, in tank trailers, from the facilities of Dye Carbonic at or near Cortez, CO, to Poland Spring, ME. (Hearing site: Dallas, TX.)

MC 124692 (Sub-273F), filed March 27, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *hardwood flooring and flooring systems*, (2) *such commodities as are used in the installation of the commodities named in (1)*, and (3) *lumber, wood products, and millwork*, from Leonia, WI, to points in TX and OK. (Hearing site: Chicago, IL.)

MC 125023 (Sub-70F), filed March 20, 1979. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Ave., Erie, PA 16504. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers* from Washington, PA, to those points in NY on and west of Interstate Hwy 87. (Hearing site: Washington, DC.)

MC 125433 (Sub-217F), filed March 19, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals and drilling mud and ore*

(except commodities in bulk, in tank vehicles) and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the United States, restricted to the transportation of traffic originating at or destined to the facilities of Eisenman Chemical Company. (Hearing site: Denver, CO, or Salt Lake City, UT.)

MC 125433 (Sub-220F), filed March 12, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *contractors' construction, excavating, mining, road-building, and logging equipment and tools, and parts and supplies* for contractors' equipment and tools, between the facilities of Dart Truck Company, at Kansas City, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 125433 (Sub-221F), filed March 22, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *molybdenum concentrates and molybdenic oxides*, (except commodities in bulk), from points in AZ and UT to points in IN, MI, OH, PA, NY, NJ, MD, TX, LA, CA, OR, and WA. (Hearing site: Washington, DC.)

MC 125433 (Sub-222F), filed March 22, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foundry materials and supplies*, (except commodities in bulk, in dump vehicles), from points in Fremont County, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 125433 (Sub-225F), filed March 26, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *battery insulating partitions and glass fiber*

scrap, from the facilities of Evans Products Company, at or near Cornvallis, OR, to points in the United States (except AK and HI). (Hearing site: Portland, OR, or Salt Lake City, UT.)

MC 125433 (Sub-226F), filed March 27, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum castings*, from the facilities of Felton Aluminum Company, at Santa Clara, CA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin. (Hearing site: San Francisco, CA.)

MC 125433 (Sub-229F), filed March 26, 1979. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 S. Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *copper cathodes, molybdenum concentrates, and uranium concentrates*, from points in AZ to points in the United States (except AK and HI). (Hearing site: Phoenix, AZ, or San Francisco, CA.)

MC 125433 (Sub-232F), filed March 27, 1979. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 S. Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *water purification equipment*, from points in Santa Clara County, CA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Polymetrics, Incorporated. (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 125872 (Sub-7F), filed March 20, 1979. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese, synthetic cheese and cheese products*, from the facilities of L. D. Schreiber Cheese Co., Inc., at or near Logan, UT, to points in AZ, CA, CO, ID, MT, NM, OR, TX and WA, under a continuing contract(s) with L. D.

Schreiber Cheese Co., Inc., at Green Bay, WI. (Hearing site: Salt Lake City, UT.)

MC 126243 (Sub-28F), filed March 19, 1979. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, P.O. Drawer G, Poteau, OK 74953. Representative: Vernon Roberts (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plumbing supplies, and bathroom fixtures*, and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk, in tank vehicles), from the facilities of Universal-Rundle Corporation at or near (1) Union Point and Monroe, GA, (2) Corsicana and Hondo, TX, (3) Ottumwa, IA, (4) Phoenix, AZ, and (5) Redlands, CA, to points in AL, AZ, CA, CO, FL, GA, IA, ID, KS, LA, MN, MO, MT, MS, NC, ND, NE, NV, NM, OK, OR, SC, SD, TN, TX, UT, WA, and WY. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 127042 (Sub-255F), filed March 21, 1979. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning, washing, scouring, and polishing compounds*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of U.S. Chemical Corporation, at or near Milwaukee, WI, to points in AZ, CA, CO, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OR, SD, TX, UT, WA, and WY. (Hearing site: Milwaukee, WI.)

MC 127303 (Sub-56F), filed March 22, 1979. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from Rochelle, IL, to points in IN, MN, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 128273 (Sub-340F), filed March 22, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by manufacturers and converters of paper products and plastic*

products, (except commodities in bulk, in tank vehicles, and commodities the transportation of which because of size or weight requires the use of special equipment), from points in the United States (except AK, HI, and MI), to the facilities of Brown Company, at or near Kalamazoo, MI, restricted to the transportation of traffic originating at the named origins and destined to the named destination. (Hearing site: Chicago, IL, or Washington, DC.)

MC 129032 (Sub-77F), filed March 19, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 So. 49th West Avenue, Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of Fort Howard Paper Company, at or near Green Bay, WI, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NV, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, WA, WY, and DC, restricted to the transportation of traffic originating at or destined to the above named facilities (Hearing site: Washington, DC.)

MC 129032 (Sub-81F), filed March 26, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 S. 49th West Ave., Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities as are dealt in by grocery and food business houses*, and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, between the facilities of Ralston Purina Company, at or near Flagstaff, AZ, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, ND, OH, OK, PA, SD, TN, TX, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Ralston Purina Company, at or near Flagstaff, AZ. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 129282 (Sub-44F), filed March 26, 1979. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601.

Representative: Fred S. Berry (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper articles and materials and supplies used in the manufacture or distribution of paper and paper articles* (except commodities in bulk), between the facilities of the Scott Paper Company, at or near Mobile, AL, and points in AR, LA, MS, OK, and TX. (Hearing site: Philadelphia, PA, or Mobile, AL.)

MC 133233 (Sub-62F), filed March 27, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *magnesium and silicone products*, from Addy, WA to those points in the United States in and east of MT, WY, UT, and NM, under continuing contract with Northwest Alloys, Inc., of Pittsburgh, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be at issue.

MC 133233 (Sub-63F), filed March 27, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum billets, aluminum blooms, aluminum ingots, aluminum pigs, and aluminum slabs*, from the facilities of Aluminum Company of America, at or near Wenatchee, WA, to points in UT and those points in the United States in and east of ND, SD, NE, KS, OK, and TX (except IN and VT) under continuing contract with Aluminum Company of America, of Pittsburgh, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 134783 (Sub-49F), filed March 28, 1979. Applicant: DIRECT SERVICE, INC., 940 E. 66th St., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal feed and animal feed ingredients, additives, and supplements*, (except commodities in bulk), and (2) *materials and supplies*

used in the manufacture or distribution of the commodities named in (1), (except commodities in bulk), from the facilities of Kal Kan Foods, Inc., at or near (a) Columbus, OH, (b) Mattoon, IL, and (c) Terre Haute, IN, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA, or Lubbock, TX.)

Note.—Dual operations may be involved.

MC 134813 (Sub-9F), filed March 20, 1979. Applicant: WESTERN CARTAGE, INC., 2921 Dawson Road, Tulsa, OK 74110. Representative: Michael R. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs, baby supplies, canner's supplies*, and (2) *equipment and supplies* used in the packing, distribution and sale of the commodities in (1) above, between the facilities of Gerber Products Company at Fort Smith, AR, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, KY, LA, MO, MS, NE, NM, OK, SD, TN, TX, and WY, under a continuing contract(s) with Gerber Products Company, at Fremont, MI. (Hearing site: Fort Smith, AR, or Tulsa, OK.)

MC 136343 (Sub-160F), filed March 20, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, Esq., P.O. Box 1166, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products* from the facilities of Champion International Corporation at or near Asheville, Canton, Fletcher and Waynesville, NC, to points in IL, IN, OH, MI, WI, and those points in PA and NY on and west of Interstate Hwy 81, and (2) *materials* used in the manufacture of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Columbus, OH, or Washington, DC.)

MC 136553 (Sub-71F), filed March 23, 1979. Applicant: ART PAPE TRANSER, INC., 1080 E. 12th St., Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *tires, tire tubes, and parts of and accessories for tires and tire tubes*, between Dubuque, IA, on the one hand, and, on the other, points in IL, KS, MN, MO, NE, ND, OK, SD, and WI. (Hearing site: Chicago, IL.)

MC 138432 (Sub-13F), filed March 28, 1979. Applicant: GARLAND GEHRKE, R.R. #1, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (A) *such commodities as are dealt in by grocery and food business houses*, and (B) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (A)*, (1) between the facilities of Ralston Purina Company, at or near (a) Clinton and Davenport, IA, (b) Louisville, KY, (c) Dunkirk, NY, (d) Mechanicsburg, PA, and (e) Jersey City, NJ, on the one hand, and, on the other, points in MN, IA, MO, WI, IL, KY, IN, OH, MI, NY, PA, and NJ, and (2) between the facilities of Ralston Purina Company, at or near (a) Battle Creek, MI, and (b) Lancaster and Sharonville, OH. (Hearing site: Chicago, IL.)

MC 138882 (Sub-230F), filed March 16, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flour and corn meal* (except in bulk), from the facilities of Shawnee Milling Co., at or near Shawnee, OK, to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN. (Hearing site: Birmingham, AL, or Oklahoma City, OK.)

MC 138882 (Sub-231F), filed March 16, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *charcoal briquettes*, from the facilities of Husky Industries, Inc., at or near Meridian and Pachuta, MS, to points in AL, OK, TX, LA, TN, GA, FL, NC, and SC. (Hearing site: Jackson, MS or Birmingham, AL.)

MC 139193 (Sub-104F), filed March 22, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Blue Ridge Tower, Suite 820, Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street, NW., Suite 300, Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at Muscatine and Iowa

City, IA, to points in KS, OK, and TX under continuing contract(s) with Heinz U.S.A., Division of H. J. Heinz Co., of Pittsburgh, PA. (Hearing site: Washington, DC, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 139193 (Sub-105F), filed March 22, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Blue Ridge Tower, Suite 820, Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street, NW, Suite 300, Washington, DC, 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from the facilities of Lykes Pasco Packing Co., at Dade City, FL, to points in AR, IL, IA, KS, LA, MN, MS, MO, NE, ND, OK, SD, TN, TX, and WI, under continuing contract(s) with Lykes Pasco Packing Co., of Dade City, FL. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140273 (Sub-16F), filed March 26, 1979. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55356. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *haydite aggregate*, from the facilities of The Carter-Waters Corp., at or near New Market, MO, to points in SD, MN, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 141212 (Sub-3F), filed March 21, 1979. Applicant: JOHN M. RADKE, Route 3, Box 93, Marathon, WI 54448. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed and feed ingredients*, (1) from the facilities of Cargill, Inc., Nutrena Feeds Division, at or near New Richland, MN, to points in WI, and (2) from Minneapolis, MN, to points in Ashland, Barron, Bayfield, Chippewa, Clark, Dunn, Eau Claire, Iron, Pepin, Pierce, Polk, Price, Rusk, St. Croix, and Taylor Counties, WI. (Hearing site: Minneapolis, MN.)

MC 141402 (Sub-32F), filed March 22, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass*

containers, from the facilities of Pierce Glass, at (a) Lincoln, IL, and (b) Port Allegany, PA, to points in IN, IA, KY, MI, MO, and OH; and (2) *materials, equipment, and supplies* used in the manufacture and sale of glass containers (except commodities in bulk), in the reverse direction, under continuing contract(s) in (1) and (2) above with Pierce Glass, of Lincoln, IL. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 141443 (Sub-11F), filed March 28, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 E. Denton St., Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper articles*, from Bastrop and Springhill, LA, Mobile, AL, and Moss Point, MS, to points in AZ, CA, OR, and WA. (Hearing site: New Orleans, LA, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 142062 (Sub-23F), filed March 16, 1979. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Drawer P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *custom wheels and parts for custom wheels*, from the facilities of American Racing Equipment Company at or near Torrance, CA, to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, from points in KY, MO, and AL, to the above origin facilities, under a continuing contract(s) with American Racing Equipment Company of Torrance, CA. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 142743 (Sub-11F), filed March 27, 1979. Applicant: FAST FREIGHT SYSTEMS, INC., P.O. Box 132C, Tupelo, MS 38801. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials, and materials and supplies used in the manufacture or distribution of construction materials* (except commodities in bulk), between the facilities of The Celotex Corporation, at or near Russellville, AL,

on the one hand, and, on the other, those points in the United States in and east of TX, OK, KS, NE, SD, and ND. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 142772 (Sub-5F), filed March 23, 1979. Applicant: HRDLICKA ENTERPRISES, INC., Route 7, Box 59, Chippewa Falls, WI 54729. Representative: Samuel Rubenstein, 301 N. Fifth St., Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials*, from Cornell, WI, to points in MS, LA, AR, OK, TX, TN, AL, and NM. (Hearing site: Minneapolis or St. Paul, MN.)

MC 144122 (Sub-40F), filed March 26, 1979. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by automotive supply and household appliance stores*, (1) from points in IL, KS, MO, and OK, to the facilities of Western Auto Supply Company, Inc., at Owings Mills, MD, and (2) from the facilities of Western Auto Supply Company, Inc., at Kansas City, KS, to the facilities of Western Auto Supply Company, Inc., at O'Fallon, MO. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 144122 (Sub-44F), filed March 20, 1979. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by a manufacturer of plastic and plastic products*, from New York, NY to those points in the United States in and east of MN, IA, NE, CO, OK, and TX.

Note.—Dual operations are involved in this proceeding.

MC 144162 (Sub-10F), filed March 19, 1979. Applicant: TIME CONTRACT CARRIERS, INC., 17734 Sierra Hwy, Canyon Country, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning compounds, petroleum products, paint removers, and chemicals*, (except commodities in bulk), from the facilities of Octagon Process,

Inc., at or near Edgewater, NJ, to the facilities of the (a) Department of Defense and (b) General Services Administration, in CA, UT, TX, and WA, under a continuing contract(s) with Octagon Process, Inc., of Edgewater, NJ. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 144452 (Sub-10F), filed March 28, 1979. Applicant: ARLEN E. LINQUIST, d.b.a. ARLEN E. LINQUIST TRUCKING, 3242 Old Hwy 8, Minneapolis, MN 55415. Representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1680, Fargo, ND 58107. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tires and tire tubes*, (a) from Little Rock, AR, to points in IA, the Upper Peninsula of MI, ND, SD, CO, KS, NE, and WY, (b) from Tupelo, MS, to points in IA and the Upper Peninsula of MI, (c) from Columbus, OH, to points in CO, IA, KS, the Upper Peninsula of MI, MN, NE, ND, SD, WI, and WY, and (d) from Memphis, TN, to points in NE and the Upper Peninsula of MI; and (2) *petroleum and petroleum products*, in containers, (a) from Paulsboro, NJ, to points in MN, the Upper Peninsula of MI, ND, SD, and WI, (b) from New Orleans, LA, to points in MN (except points in St. Louis, Koochiching, and Lake Counties), the Upper Peninsula of MI, ND, SD, and WI (except points in Waupaca, Oconto, Menominee, and Shawano Counties), (c) from Sewaren, NJ, to points in the Upper Peninsula of MI, MN, ND, SD, and WI (except Beaver Dam, Green Lake, Waupun, and Mayville), (d) from St. Louis, MO, to points in MT and the Upper Peninsula of MI, and (e) from Roxana, IL, to points in MT and those in ND west of ND Hwy 3. (Hearing site: Minneapolis, St. Paul, MN.)

Note.—Dual operations may be involved.

MC 144572 (Sub-13F), filed March 28, 1979. Applicant: MONFORT TRANSPORTATION COMPANY (a Corporation), P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Universal Carloading and Distribution, Inc., at (a) North Haven, CT, (b) Boston, MA, (c) Baltimore, MD, (d) Newark, NJ, (e) New York, NY, and (f) Philadelphia, PA, to Phoenix, AZ, Los Angeles and

San Francisco, CA, Denver, CO, Chicago, IL, Minneapolis, MN, Kansas City and St. Louis, MO, Portland, OR, Memphis, TN, and Seattle, WA, restricted to the transportation of traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8) of the Interstate Commerce Act. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144603 (Sub-6F), filed March 23, 1979. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Dr., Maryland Heights, MO 64043. Representative: R. C. Mitchell, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper articles*, from points in AL, LA, ME, MN, MI, NY, NC, TX, and WI, to points in AR, IL, IN, IA, KY, and MO. (Hearing site: St. Louis, or Jefferson City, MO.)

Note.—Dual operations may be involved.

MC 144622 (Sub-35F), filed March 21, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the facilities of Armour Fresh Meats Co., at (a) Sioux City, IA, (b) Fremont, NE, and (c) Huron, SD, to points in AZ and CA, and (2) from the facilities of Armour Fresh Meats Co., at (a) Sioux City, IA, (b) Worthington, MN, (c) Fremont, Madison, and Omaha, NE, and (d) Huron, SD, to points in CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144622 (Sub-36F), filed March 21, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions*

in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Armour Fresh Meats Co., at Louisville, KY, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, VT, VA, WV, and DC. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144622 (Sub-37F), filed March 21, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Armour Fresh Meats Co., at (a) Sioux City, IA, (b) Worthington, MN, (c) Fremont, Madison, and Omaha, NE, and (d) Huron, SD, to points in AL, FL, GA, KY, NC, SC, and TN. (Hearing site: Washington, DC.)

Note. Dual operations may be involved.

MC 144622 (Sub-38F), filed March 21, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the facilities of Armour Fresh Meats Co., at (a) Sioux City, IA, (b) Worthington, MN, (c) Fremont, Madison, and Omaha, NE, and (d) Huron, SD, to points in IL, MI, MO, and WI, and (2) from the facilities of Armour Fresh Meats Co., at (a) Sioux City, IA, (b) Fremont, NE, and (c) Huron, SD, to points in CT, DE, IN, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 144622 (Sub-39F), filed March 21, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Theodore Polydoroff, Suite 301, 1307

Dolley Madison Blvd., McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (1) from the facilities of Armour Fresh Meats Co., at (a) Sioux City, IA, (b) Worthington, MN, (c) Fremont, Madison, and Omaha, NE, and (d) Huron, SD, to points in AR, LA, TX, and MS. (Hearing site: Washington, DC).

Note.—Dual operations may be involved.

MC 144622 (Sub-42F), filed March 19, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Ted Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs, rubber articles, plastic articles, and drugs*, from the facilities of Ross Laboratories, Inc., Division of Abbott Laboratories, at Columbus, OH, to points in AZ, CA, NV, OR, UT, and WA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Columbus, OH, or Washington, DC).

Note.—Dual operations may be involved.

MC 144622 (Sub-43F), filed March 23, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *floor tile* between Chicago, IL, on the one hand, and, on the other, South Plainfield, NJ, and Brooklyn, NY. (Hearing site: Washington, DC, or Brooklyn, NY).

Note.—Dual operations may be involved.

MC 144622 (Sub-56F), filed March 19, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Ted Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rubber and rubber articles*, from San Francisco, CA, to points in GA, MI, NJ, TN, and TX. (Hearing site: San Francisco, CA).

Note.—Dual operations may be involved.

MC 145072 (Sub-11F), filed March 26, 1979. Applicant: M.S. CARRIERS, INC., 7372 Eastern Ave., Germantown, TN 38138. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *synthetic rubber*, from the facilities of Co-Polymer Rubber and Chemical Company, at or near Baton Rouge, LA, to the facilities of Pennsylvania Tire & Rubber Company, at or near Tupelo, MS. (Hearing site: Memphis, TN).

Note.—Dual operations may be involved.

MC 145072 (Sub-13F), filed March 26, 1979. Applicant: M. S. CARRIERS, INC., 7372 Eastern Ave., Germantown, TN 38138. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *automobile parts and supplies, pipe fittings, and hose*, and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, between Batesville, MS, Trumann, AR, Arlington, TX, East Lake, Eaton, Ravenna, and Cleveland, OH, and Memphis, TN, restricted to the transportation of traffic originating at or destined to the facilities of Parker-Hannifin Corporation. (Hearing site: Memphis, TN.)

Note.—Dual operations may be involved.

MC 145102 (Sub-14F), filed March 19, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Wayne W. Wilson, 150 E. Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from the facilities of Appleton Papers, Inc., at or near Appleton and Combined Locks, WI, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Madison or Appleton, WI.)

MC 145242 (Sub-8F), filed March 19, 1979. Applicant: CASE HEAVY HAULING, INC., P.O. Box 808, Warren, OH 44482. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and aluminum articles*, from the facilities of Kaiser Aluminum & Chemical Corporation, at or near Ravenswood, WV, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH,

NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: Columbus, OH.)

MC 145392 (Sub-1F), filed March 27, 1979. Applicant: RAJOR, INC., 100 Beta Dr., P.O. Box 756, Franklin, TN 37064. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pipe fittings, plastic connectors, and plastic valves*, (1) from Sun Valley, CA, and Cleveland, OH, to those points in the United States in and east of MN, IA, MO, AR, and LA, and (2) from Cleveland, OH, to Bakersfield, Santa Ana, and Sun Valley, CA. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 145702 (Sub-1F), filed March 21, 1979. Applicant: TRANSURFACE CARRIERS, INC., 6 Thayer Street, Northboro, MA 01532. Representative: Bernard P. Rome, 31 Milk Street, Boston, MA 02109. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Such commodities as are used or dealt in by wholesale and retail chain stores (except commodities in bulk)*, (b) *such commodities as are used in the manufacture of food and beverage products (except commodities in bulk)*, (c) *such commodities as are used in the manufacture of industrial, agricultural, pharmaceutical, and household products (except commodities in bulk)*, and (d) *medical products (except in bulk)*, from Brooklyn, NY, to points in AL, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NV, NH, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VT, VA, WA, WV, WI, AND DC; (2)(a) *such commodities as are used or dealt in by wholesale and retail chain stores (except commodities in bulk)*, (b) *such commodities as are used in the manufacture of food and beverage products (except commodities in bulk)*, (c) *such commodities as are used in the manufacture of industrial, pharmaceutical, agricultural, and household products (except commodities in bulk)*, from Groton, CT, to points in AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, OH, OK, OR, PA, TN, TX, VA, WA, WV, WI, and DC; (3)(a) *such commodities as are used or dealt in by wholesale and retail chain stores (except commodities in bulk) and (b) medical and health care products (except commodities in bulk)*, from Parsippany, NJ, to points in AR, CA, CO, CT, DE, GA, IL, IN, KS, KY, ME,

MD, MA, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC; (4)(a) *such commodities as are used or dealt in by wholesale and retail chain stores* (except commodities in bulk) and (b) *health care products* (except in bulk), from Sanford, NC, to points in the United States (except AK and HI); (5)(a) *such commodities as are used in the manufacture of food and beverage products* (except commodities in bulk); and (b) *such commodities as are used in the manufacture of industrial, agricultural, pharmaceutical, and household products* (except commodities in bulk), from Southport, NC, to points in AR, CA, CO, CT, DE, FL, GA, IL, IN, KY, LA, MD, MI, NJ, NY, NC, OH, PA, SC, TN, TX, WV, and VA; (6)(a) *such commodities as are used in the manufacture of food and beverage products* (except commodities in bulk), (b) *such commodities as are used in the manufacture of industrial, agricultural, and household products* (except commodities in bulk), (c) *medical products* (except in bulk), and (d) *pharmaceuticals* (except in bulk), from Terre Haute, IN, to points in CA, CT, DE, FL, GA, ID, IL, IN, IA, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, WA, WI, and DC; (7) *oxide of iron, lamp black, paint, barytes, silica, earth pigment and amber* (except commodities in bulk), from Easton, PA, to points in AR, CA, CT, FL, GA, IL, IN, KY, LA, MA, MI, MN, NJ, NY, NC, OH, OR, SC, TN, TX, and WI; (8) *oxide of iron, lamp black, paint, barytes, silica, earth pigment, and amber* (except commodities in bulk), from East St. Louis, IL, to points in AL, AR, CA, CT, CO, FL, GA, IN, LA, MD, MA, MS, NJ, NM, NY, NC, OH, OR, PA, SC, TN, TX, VA, AND WV; (9) *lime, limestone, and calcium metallic* (except commodities in bulk), from Canaan, CT, to points in DE, FL, IN, KS, MD, MI, OH, PA, VA, WV, and WI; (10) *lime, limestone, and calcium carbonate* (except commodities in bulk), from Adams, MA, to points in AL, CA, CO, FL, GA, IL, IN, KS, KY, MD, MS, MI, MN, MO, NE, NC, PA, OH, SC, TN, TX, and WI; (11) *pyrophyllite, talc, and clay* (except commodities in bulk), from Victorville, CA, to points in CT, GA, IL, IN, MA, NY, OH, PA, TX, and WI; (12) *lime and limestone* (except commodities in bulk), from Lucerne Valley, CA, to points in CT, GA, IL, IN, MA, NY, OH, PA, TX, and WI; (13) *iron oxide, earth pigment, and chromium oxide* (except commodities in bulk), from Emeryville, CA, to points in CT, GA, IL, IN, MA, NY, OH, PA, TX, and WI; and (14) *bonding mortar and fire brick shapes* (except commodities in bulk), from Old Bridge, NJ, to points in AL, CO,

FL, GA, IL, IN, LA, KY, MD, MI, NC, NY, OH, PA, SC, TN, TX, VA, and WV; under continuing contracts with Pfizer, Inc., of New York, NY in (1)-(13) and with Quigley Company, Inc., of New York, NY in (14). (Hearing site: Washington, DC; Boston, MA; or New York, NY)

MC 145913 (Sub-1F), filed March 19, 1979. Applicant: BART LANG TRUCKING, INC., Route 2, Box 221A1, Lexington, NE 68850. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except commodities in bulk, in tank vehicles), from the facilities of Dugdale Packing Company, at or near Darr, NE, to points in AR, CO, CT, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, SC, SD, TN, TX, UT, VA, WV, WI, and WY. (Hearing site: Lincoln, NE)

MC 146102 (Sub-1F), filed March 27, 1979. Applicant: TAMWAY CORPORATION, 401 Poinsettia Dr., Simpsonville, SC 29681. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by distributors or suppliers of empty containers and packaging materials*, between those points in the United States in and east of MS, TN, KY, IL, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Package Supply & Equipment Co., Inc. (Hearing site: Greenville, SC.)

MC 146152 (Sub-2F), filed March 27, 1979. Applicant: W. S. GILSTRAP, d.b.a. W. S. GILSTRAP TRUCKING, Route 1, Live Oak Ridge, Nipomo, CA 93444. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *electrical switchgears, and materials and equipment used in the manufacture of electrical switchgears*, between Santa Maria, CA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract with Gould, Inc.,

Switchgear Division, of Santa Maria, CA. (Hearing site: Los Angeles, CA.)

MC 146183 (Sub-1F), filed March 22, 1979. Applicant: NORTH STATE TRANSIT, INC., P.O. Box 40, Troy Grove, IL 61372. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand*, in bulk, from points in La Salle County, IL, and Berrien County, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV, and WI. (Hearing site: Chicago, IL.)

MC 146293 (Sub-1F), filed March 19, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial, Park Circle, NE, Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *adhesive cement, racks, stands, rims, strips, tools, and such commodities as are dealt in by wholesale and retail, building supply stores* (except commodities in bulk), from points in Los Angeles and Orange Counties, CA, to those points in the United States on and east of US Hwy 85. (Hearing site: Atlanta, GA.)

MC 146293 (Sub-10F), filed March 27, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial, Park Circle, NE, Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fluorescent lighting fixtures*; from points in Bucks and Philadelphia Counties, PA, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

MC 146633F, filed March 22, 1979. Applicant: TOWING SERVICES OF U.S.A., INC., 4590 126th Avenue North, Clearwater, FL 33520. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *disabled and repossessed motor vehicles and motor homes, replacement vehicles, and parts* for motor vehicles, in wrecker service only between points in AL, FL, GA, IL, IN, KY, LA, MD, MS, NC, OH, PA, SC, TN, TX, VA, and DC. (Hearing site: Tampa or Orlando, FL.)

MC 146693F, filed March 26, 1979.
 Applicant: JAMES ALBAUGH, d.b.a.,
 M. & C. CARTAGE, 29644 Mayfair Rd.,
 Farmington Hills, MI 48018.
 Representative: Robert D. Schuler, 100
 W. Long Lake Rd., Suite 102, Bloomfield
 Hills, MI 48013. To operate as a *contract
 carrier*, by motor vehicle, in interstate or
 foreign commerce, over irregular routes,
 transporting (1) *banking equipment,
 office equipment, and fixtures*, and (2)
 materials, equipment, and supplies used
 in the manufacture or distribution of the
 commodities named in (1), between
 Detroit, MI, on the one hand, and, on the
 other, points in IN and OH under
 continuing contract with Diebold, Inc., of
 Canton, OH. (Hearing site: Detroit or
 Lansing, MI.)

MC 146712F, filed March 21, 1979.
 Applicant: STEEL CARGO, INC., R.R. 1,
 Box 81, Sharpsville, IN 46068.
 Representative: Donald W. Smith, P.O.
 Box 40248, Indianapolis, IN 46240. To
 operate as a *contract carrier*, by motor
 vehicle, in interstate or foreign
 commerce, over irregular routes,
 transporting (1) *steel tubing*, from the
 facilities of Delta Tube, Inc., at or near
 Denver, IN, to points in the United
 States (except CA, OR, WA, MT, ID, UT,
 ND, SD, AK, and HI); and (2)(a) *tubing,
 chain link, wire, and ornamental fence*,
 and (b) *parts* for the commodities in
 (2)(a) above, from the facilities of
 Hurricane Steel Industries, at La Grange,
 TX, to points in IN, IL, MI, MO, OH, TN,
 and KY, under continuing contract(s) in
 (1) above with Delta Tube, Inc., of
 Denver, IN, and in (2) above with
 Hurricane Steel Industries, of Houston,
 TX. (Hearing site: Indianapolis, IN.)

MC 146942F, filed March 26, 1979.
 Applicant: CARROLL TRUCKING, INC.,
 7444 Major Ave., Norfolk, VA 23505.
 Representative: Blair P. Wakefield, Suite
 1001, First and Merchants Bank Bldg.,
 Norfolk, VA 23510. To operate as a
Common carrier, by motor vehicle, in
 interstate or foreign commerce, over
 irregular routes, transporting *General
 commodities* (except classes A and B
 explosives, commodities in bulk, and
 those requiring special equipment),
 between Norfolk, VA, Dahlgren, VA,
 Indian Head, MD, Patuxent River, MD,
 and Washington, DC, restricted to the
 transportation of traffic having an
 immediately prior or subsequent
 movement by air. (Hearing site: Norfolk
 or Richmond, VA)

Passenger Authority

MC 145482 (Sub-1F), filed March 19,
 1979. Applicant: INNER CIRCLE
 QONEXIONS, INC., 245 Park Avenue,
 Belford, NJ 07718. Representative:

Raymond A Thistle, Jr., Five Cottman
 Court, Homestead Road & Cottman
 Street, Jenkintown, PA 19046. To operate
 as a *common carrier*, by motor vehicle,
 in interstate or foreign commerce, over
 irregular routes, transporting *passengers
 and their baggage* in the same vehicle
 with passengers, and *unaccompanied
 baggage*, in one-way and round-trip
 charter operations, limited to the
 transportation of not more than 23
 passengers (including the driver) in one
 vehicle at one time, beginning and
 ending at New York, NY, Boston, MA,
 Los Angeles, CA, Nashville, TN, Dallas,
 TX, Washington, DC, New Orleans, LA,
 Atlanta, GA, Miami, FL, Chicago, IL, San
 Francisco, CA, Las Vegas, NV, and
 Atlantic City, NJ, and extending to
 points in the United States (except AK
 and HI). (Hearing site: New York, NY, or
 Trenton, NJ.)

[FR Doc. 79-21420 Filed 7-10-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 134

Wednesday, July 11, 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

[M-231, Amdt. 10; July 5, 1979]

CIVIL AERONAUTICS BOARD.

Addition and closure of item to the July 3, 1979, agenda.

TIME AND DATE: 10 a.m., July 3, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 18. Dockets 35455 and 35521—Applications of Braniff for restriction removal under section 401(e)(7)(B) of the Act and expedited, nonhearing procedures under Subpart Q. Discussion of U.S.-South America Aviation Relations and Negotiation Strategies (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: The Board originally voted¹ that this item be placed on the agenda for the July 3, 1979 meeting to insure that the matter of Braniff's application be considered in accordance with the Board's rules governing expedited procedures. The Board took its initial action by notation on July 2, 1979. The applications requested removal of certain restrictions attached to Braniff's U.S.-South America certificate authority. Because international authority was involved, the Board needed to hold its discussion of the international negotiations aspect of this matter in closed session. The discussion is still necessary despite the

Board's action by notation and should take place as soon as possible so that the Board's consideration of this phase of the matter be completed as soon as possible. Accordingly, at the July 2, 1979 open meeting, the following Members have voted that agency business requires that the Board consider this item on less than seven days' notice and that no earlier announcement of the addition was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Public disclosure, particularly to foreign governments, of opinions, evaluations and plans related to these matters could seriously compromise the ability of the United States to achieve agreements which could be in the best interests of the United States. Accordingly, the following Members believe that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552(b)(9)(B) and 14 CFR section 310b.5(9)(B) and that this meeting should be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member Elizabeth E. Bailey; and Member Gloria Schaffer.
Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Richard H. Klem, and Mr. Steven H. Lachter.
Office of the General Counsel.—Mr. Philip J. Bakes, Jr. and Mr. Michael Schopf.
Bureau of International Aviation.—Mr. Rosario J. Scibilia, Mr. Peter Rosenow, and Mr. Parlen L. McKenna.
General Director, International and Domestic Aviation.—Mr. Michael E. Levine.
Bureau of Consumer Protection.—Mr. John T. Golden.
Office of Economic Analysis.—Mr. Robert H. Frank.
Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah Lee, and Ms. Louise R. Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C.

552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that this meeting may be closed to public observation.

Gary J. Edles,

Deputy General Counsel.

[S-1367-79 Filed 7-9-79; 3:54 pm]

BILLING CODE 6320-01-M

2

[M-233, July 5, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., July 12, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. H.R. 3570—Paperwork and Redtape Reduction Act of 1979. (Memo No. 8949, OGC)
3. TAP's proposed transatlantic normal economy fare increases. (Memo No. 8963, BIA)
4. Docket 32566, *Alice D. Wallace v. Capitol International Airways, Inc.*, discretionary review, on BCP petition, of ALJ dismissal of Part 252 "no-smoking" enforcement proceeding. (Memo No. 8962, OGC)
5. Dockets 31822 and 31625, *Michael David Beeler and Morton Rosenberg v. Delta Air Lines, Inc.*, discretionary review, on petitions, of ALJ dismissal of Part 252 "no-smoking" enforcement proceeding. (Memo No. 8961, OGC)
6. Docket 35578, (*Texas International Airlines, Inc., Enforcement Proceeding*) Order 79-5-127—TXI's motion to stay proceedings pending Board action on TXI's motion to dismiss. (OGC)
7. Elimination of the remaining off-route charter restrictions. (OGC, BDA)
8. Docket 32088, Application of Travelair, AG for indirect foreign air carrier permit. Objections filed to Show Cause Order. (Memo No. 8109-B, BIA, OGC, BLJ)
9. Docket 32294, *U.S.-Bahamas Service Investigation*, Discretionary review. (OGC)
10. Dockets 26291, 33139, 34228, 34408; American Samoa's renewed petition for restoration of adequate air service; applications of South Pacific, Hawaiian and Aeroamerica, respectively, for certificate authority. (BDA)
11. Dockets 32716, 32768, 32810, 32841, 35440, 35539, 33355, 35576, 33710, and 35631; Alaska Airlines' petition for order to show cause or motion for hearing on its certificate application for Seattle-San Francisco/Los Angeles unrestricted authority; Continental's, Northwest's, and Hughes Airwest's applications requesting similar authority and motions to consolidate; Pacific Southwest Airlines' motion for hearing on its certificate

¹The first vote to add this closed item on short notice was taken at the Board's June 28, 1979 Sunshine meeting.

application for Seattle-San Francisco/Los Angeles/San Diego unrestricted authority; Western's, Hughes Airwest's and Braniff's applications requesting similar authority and motions to consolidate; Hughes Airwest's application for removal of stop restrictions between Seattle and certain California markets and motion to consolidate; Hughes Airwest's application to remove stop restriction on Orange County-San Francisco; and Pacific Southwest Airlines' application for Orange County-San Francisco authority and motion to consolidate. (Memo No. 8956, BDA, OGC, BLJ)

12. Dockets 35321 and 35488, Continental's and Ozark's Applications for Denver-Omaha/Des Moines and Omaha-Des Moines nonstop authority. (Memo 8964, DBA)

13. Docket 35793, Frontier's application for Denver-El Paso nonstop authority. (BDA)

14. Dockets 28755, 29462, and 33213; United Air Lines Route Realignment and related matters. (BDA)

15. Dockets 34776, 35016, 35002, 35009, 33876, 34999, 35014, 33581, 35005, 35044, 34993, 34970, 34984, 35003, 34989, 33754, and 33524; *St. Louis/Salt Lake City Show-Cause Proceeding*, Petition of Western for reconsideration of manner in which its certificate for Route 19 was amended in Order 79-6-26. (Memo No. 8499-B, BDA)

16. Dockets 35372, 35882, 33115, 34656, 35418, 35504, 33298, 35509, 35502, 33315, 33524, 33562, 33581, 33671, 35510, 33674, 35505, 33876, 35500, 34019, 34570, 34067, 35559, 35497, and 34776; *Salt Lake City Show-Cause Proceeding*—Various applications for nonstop Salt Lake City authority at various points. (Memo No. 8412-I, DBA)

17. Docket 35271, Application of Trans World Airlines for an exemption, until September 30, 1979, to authorize unrestricted nonstop operations on five Boston/Washington-Chicago flights otherwise prohibited by a certificate restriction. (BDA, OGC)

18. Dockets 33343, 33827, 33828, and 34081; Continental's Application to delete Lawton/Ft. Sill and Wichita Falls; Continental's notices to terminate service at Lawton/Ft. Sill and Wichita Falls. (Memo No. 8441-A, BDA, OCCR)

19. Docket 34203, 34666, and 31411; Notice of Allegheny to terminate service at Catskill/Sullivan County; Notice of Ransome to terminate service at Catskill/Sullivan County; Agreement between Allegheny and Ransome. (Memo No. 8535-D, BDA, OCCR)

20. Docket 35534, Frontier Airlines' notice of intent to terminate service at Flagstaff, Arizona under section 401(j)(1) and 419(a)(3) and in three Flagstaff nonstop and single-plane markets under section 401(j)(2). (Memo No. 8962, BDA, OCCR)

21. Docket 34762, Application of Andrall E. Pearson and Trans World Airlines, Inc. (TWA) for approval of interlocking relationships involving TWA and PepsiCo., Inc. (PepsiCo) and for disclaimer of jurisdiction over those involving TWA and Trans World Corporation (TWC). (Memo No. 8954, BDA)

22. Notice of Proposed Rulemaking to Eliminate the Remaining Pick-up and

Delivery Tariffs Filed with the Board. (BDA, OGC)

23. Docket 29387, Part 288—Draft final rule establishing a fuel surcharge applicable to Categories A and B MAC minimum rates effective June 1, 1979, reflecting May 1979 fuel prices. (BDA)

24. Dockets 35455 and 35521—Applications of Braniff for restriction removal under section 401(e)(7)(B) of the Act and expedited, nonhearing procedures under Subpart Q. Discussion of U.S.-South America Aviation Relations and Negotiation Strategies. (BIA)

STATUS: Open (Items 1-23); Closed (Item 24).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: See M-231, Amdt. 10 for explanation of Closure.

[S-1368-79 Filed 7-9-79; 3:54 pm]

BILLING CODE 6320-01-M

3

FEDERAL ELECTION COMMISSION.

FEDERAL REGISTER NO. FR-S-1339.

PREVIOUSLY ANNOUNCED DATE AND TIME: Wednesday, July 11, 1979, at 10:00 a.m.

CHANGE IN MEETING:

The following item has been added to the open portion of the meeting—

Joint public notice to be issued by Comptroller of the Currency and the FEC.

The following item has been cancelled from the open portion of the meeting.

Index pricing policy.

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred S. Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-1364-79 Filed 7-9-79; 3:02 pm]

BILLING CODE 6715-01-M

4

July 6, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., July 11, 1979.

PLACE: Room 600, 1730 K St., N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission will consider and act upon the following:

4. Waukesha Lime & Stone Company, Inc., VINC 79-66-PM (Petition for Discretionary Review).

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier

announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFO: Jean Ellen, 202-653-5632.

[S-1360-79 Filed 7-9-79; 11:11 am]

BILLING CODE 6820-12-M

5

July 9, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., July 11, 1979.

PLACE: Room 600, 1730 K St., N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission will consider and act upon the following:

5. Halquist Stone Company, Inc., VINC 79-118-PM (Petition for Discretionary Review).

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFO: Jean Ellen, 202-653-5632.

[S-1365-79 Filed 7-9-79; 3:42 pm]

BILLING CODE 6820-12-M

6

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 3:30 p.m., Monday, July 16, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Requests by the Commodity Futures Trading Commission for Board comment on several proposals to trade futures contracts for delivery of U.S. Treasury Securities.

Discussion Agenda

1. Proposal that the Board amend Regulations D (Reserves of Member Banks) and Q (Interest on Deposits) to exempt deposits of specially designated International Banking Facilities from reserve requirements and interest rate restrictions. (Proposed earlier for public comment; docket no. R-0214)

2. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend.

Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204
Theodore E. Allison,
Secretary.

[S-1366-79 Filed 7-9-79; 3:42 pm]
BILLING CODE 6210-01-M

7

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: S-1310-79, Filed July 2, 1979, 11:01 a.m.

DATE AND TIME CHANGE: July 12, 1979, 1 p.m.—Recess; July 13, 1979, 9 a.m.—2:30 p.m.

PLACE: Room 823, National Institute of Education, 1200 19th Street NW., Washington, D.C.

STATUS: Certification has been received from the HEW Office of General Counsel, that in the opinion of that office, the NCER "would be authorized to close portions of its meeting on July 12, 1979, under 5 U.S.C. 522b(c)(9)(8) and 45 CFR 1440.2(a)(9) for the purposes of reviewing and discussing with the Acting Director of NIE, the proposed executive branch budget for fiscal 1981, in particular, the section dealing with the proposed budget and funding priorities of NIE." Agenda items No. 3 and No. 4 will be CLOSED, the rest of the agenda remain OPEN to the public.

MATTERS TO BE CONSIDERED: Agenda Time Change.

Thursday, July 12, 1979

1. Acting Director's Report (1 p.m.—2 p.m.).
2. Review Discussion: Educational Equity (2 p.m.—5 p.m.).
3. Closed Session: Budget fiscal year 1981 (5 p.m.—Recess).

Friday, July 13, 1979

4. Closed Session: Continuation of Budget fiscal year 1981 (9 a.m.—10 a.m.).
5. Review Discussion: Dissemination (10 a.m.—12 Noon).
6. Continuation of Review Discussion: Dissemination (1 p.m.—2 p.m.).
7. Program Committee Report and Action (2 p.m.—Adjournment).

CONTACT PERSON FOR MORE INFORMATION: Ella L. Jones,

Administrative Coordinator, Telephone: 202/254-7900.

Peter H. Gerber,

Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S-1363-79 Filed 7-9-79; 3:02 pm]
BILLING CODE 4110-39-M

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of July 9, 1979.

PLACE: Commissioner's Conference Room, 1717 H St., NW, Washington, D.C.

STATUS: Open/Closed (Changes).

MATTERS TO BE CONSIDERED:

Tuesday, July 10, 3 p.m.

Executive Branch Briefing on Export Matters (Approximately 1½ hours—continued from June 19—Closed—Exemption 1—Rescheduled from July 12, 1979).

Thursday, July 12, 12 (Noon)

Affirmation Session (Additional item).
b. Hungerford FOIA.

Thursday, July 12, 1:30 p.m.

Briefing on Enforcement Program—Current and Planned (Postponed from July 5, 1979—Approximately 1 hour—Public meeting).

ADDITIONAL INFORMATION: The Order Regarding Request for Hearing in Davis-Besse was held on July 5, 1979. The Meeting on Staff Review of Operation of Davis-Besse was held on July 5, 1979.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

Dated: July 5, 1979.

Walter Magee,

Office of the Secretary.

[S-1362-79 Filed 7-9-79; 3:02 pm]
BILLING CODE 7590-01-M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on July 24, 1979.

PLACE: Fourth Floor Courtroom, U.S. Court of Customs and Patent Appeals, 717 Madison Place, N.W., Washington, D.C.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED: The Commissioners will hear and consider oral argument from the parties in the matter of *Secretary of Labor v. C. R. Burnett and Sons, Inc.*, OSHRC Docket No. 78-1103, and *Secretary of Labor v. Harlee Farms*, OSHRC Docket No. 78-1105.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634-4015.

Dated: July 6, 1979.

[S-1359-79 Filed 7-9-79; 11:11 am]
BILLING CODE 7600-01-M

10

POSTAL SERVICE.

Vote To Close Meeting

On July 5, 1979, the Board of Governors of the United States Postal Service voted to close to public observation a portion of its meeting currently scheduled for July 6, 1979. Each of the members of the Board, except Mr. Sullivan (who voted against closure) and Mr. Robertson (who was absent), voted in favor of partially closing this meeting, which is expected to be attended by the following persons: Governors Wright, Hardesty, Ching, Robertson, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Conway; Senior Assistant Postmasters General Finch, Sommerkamp, Benson and Ulsaker; and Secretary to the Board Cox.

The portion of the meeting to be closed will consist of a continuation of the discussion of the Postal Service's future planning that will include possible strategies concerning future postal collective bargaining negotiations and concerning future postal ratemaking, the discussion of this agenda item having been commenced at the Board's meeting of June 5, 1979, but not completed at that meeting.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

The Board is likewise of the opinion that public access to the planned discussion of future postal ratemaking

strategies would be likely to disclose matters whose disclosure would be inconsistent with the public's interest in having the Board able to provide policy guidance to postal management on ratemaking issues on the basis of candid exploration of those issues, without concern for unreasonably influencing particular litigation. A number of these issues are likely to be the subjects both of administrative litigation during the course of the Postal Service's next general rate proceeding before the Postal Rate Commission and of the appellate judicial litigation which will probably follow that proceeding.

Further, the Board is of the opinion that public access to the planned discussion of the Postal Service's future planning would be inconsistent with the public's interest in having the Board able to provide policy guidance to postal management on postal planning without constraints stemming from a concern that premature disclosure of preliminary planning data or tentative business strategies might unreasonably and unfairly disadvantage the Postal Service vis-a-vis its competitors.

Accordingly the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), in that it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code; and also in that it is likely to disclose information prepared for use in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and postal service), which is specifically exempted from disclosure by section 410(c)(4) of title 39; and also in that it is likely to disclose information of a commercial nature which under good business practice would not be publicly disclosed, this information being specifically exempted from disclosure by section 410(c)(2) of title 39. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action, and that, pursuant to section 552b(c)(10) of

title 5 and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding. Finally, the Board of Governors has determined that the public interest does not require that the Board's discussion of its possible collective bargaining, ratemaking, and tentative business planning strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3), 552b(c)(9)(B), and 552b(c)(10) of title 5 and section 410(c)(2), (3), and (4) of title 39, United States Code, and sections 7.3(c), 7.3(i) and 7.3(j) of title 39, Code of Federal Regulations.

Louis A. Cox,
Secretary.

[S-1361-79 Filed 7-9-79; 3:02 pm]

BILLING CODE 7710-12-M

federal register

Wednesday
July 11, 1979

Part II

Endangered Species Scientific Authority

**General Provisions and the Convention
on International Trade in Endangered
Species of Wild Fauna and Flora**

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

[50 CFR Parts 801, 802, 803, 810, 811, 812, and 813]

General Provisions and the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Endangered Species Scientific Authority.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would establish procedural and interpretive regulations that describe the composition and fundamental operation of the Endangered Species Scientific Authority (ESSA), including procedures to comply with the Freedom of Information Act, 5 U.S.C. 552. In addition, these regulations would set forth, interpret and clarify the authorities and duties of the ESSA under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 10897 (CITES).

DATE: All interested persons are invited to comment on this proposal. Comments received by September 10, 1979 will be considered in the preparation of final regulations.

ADDRESS: Comments should be addressed to the Executive Secretary, Endangered Species Scientific Authority, 18th & C Streets, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. William Y. Brown, Executive Secretary, Endangered Species Scientific Authority, 18th & C Streets, NW., Washington, DC 20240, 202-653-5948.

SUPPLEMENTARY INFORMATION:

General Background

These proposed regulations would integrate several of the procedural and interpretive policies of the ESSA, and would add certain new elements to these policies. Although the entire experience of the ESSA has been used, this proposal particularly draws upon the CITES and on Executive Order 11911 (41 FR 15683), as well as on the ESSA's Interim Charter, 42 FR 35799; Policy on Import of Appendix I Specimens, 42 FR 42296; Procedures for Public Attendance at Meetings, 43 FR 7341; Guidelines and Information Needs for 1978-1979 Export Findings, 43 FR 15097; and our experience with exports of bobcat, lynx, river otter and American ginseng, summarized in 43 FR 29469 and 43 FR 39305.

Subchapter A of these proposed regulations codifies provisions concerning the composition and fundamental operation of the ESSA, including procedures to comply with the Freedom of Information Act, 5 U.S.C. 552. Subchapter B of these proposed regulations would interpret and clarify the authorities and duties of the ESSA under the CITES. The CITES requires the Scientific Authority of each Party nation to make certain findings concerning the effect of trade on protected species; to make findings concerning the ability of importers to care for living specimens of Appendix I species; to monitor both export permits and actual exports of specimens of Appendix II species, and, when appropriate, to advise the Management Authority of "suitable measures to be taken to limit the grant of export permits for specimens" of Appendix II species; and to advise the Management Authority on the appropriate disposal of confiscated specimens.

Description of Parts Proposed

Part 801 would establish general organizational definitions.

Part 802 would describe the composition of the ESSA; voting; authority and duties of the Chairman and Executive Secretary; role of the public and time and place of ESSA meetings; and use of outside opinions.

Part 803 describes procedures under the Freedom of Information Act (FOIA). Section 803.2 contains statements as to the availability of ESSA records. The FOIA generally requires that records be made available to the public on request. Exemptions from the disclosure requirement, provided by statute, are stated, along with a policy disfavoring withholding ESSA records from disclosure.

Section 803.3 states the requirements for a request for records and the action to be taken on such requests. Provision for consideration of requests for documents falling into specified categories is set forth in § 803.3(c).

Section 803.4 describes the actions that will be taken on initial requests for records. The Executive Secretary would take action on these initial requests, subject to appeal by the requester to the ESSA as a committee. Criteria for granting or denying a request are stated and the contents of a response to a request are specified.

Limitations on time for processing an initial request are stated along with a provision that failure to respond within the time period specified can be treated as a denial of the request. These requirements are contained in the FOIA.

Sections 803.5 and 803.6 deal with appeals from initial decisions by the Executive Secretary to withhold records from disclosure. Appeals are to be made to the ESSA and must be submitted within 20 days of the date of initial denial. A determination on the appeal must be made by the ESSA within 20 days, unless the period is extended in unusual cases. The appellant must be notified of the disposition of the appeal and of his right to appeal any denial of disclosure by the ESSA to a United States District Court.

Section 803.7 prescribes fees that will be charged for staff services utilized in retrieving and copying requested records. The Executive Secretary is granted authority to waive the fees whenever he finds such waiver would serve the public interest.

Part 810 would establish definitions concerning the ESSA's duties under the CITES. Section 810.3, defining "not detrimental to the survival of the species" is an important interpretation.

The phrase "not detrimental to the survival" of the species is used but not defined specifically in the CITES (CITES Article IV 2). However, the ESSA is obliged by Article IV 3 of the CITES to use its authority to monitor the exports of each Appendix II species and to advise the Management Authority of suitable measures to limit Appendix II exports to maintain each species "throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which the species might become eligible for inclusion in Appendix I . . ." This mandate sets the parameters within which the ESSA's finding should be made.

On April 10, 1978, the ESSA published a discussion of the meaning of "not detrimental to the survival" of the species, indicating an approach more conservative than maximum sustained yield (MSTY) (43 FR 15097). Maximum sustained yield traditionally has been considered to be the largest harvest level that can be maintained year after year without reducing a population. The approach of the April 10 notice was followed for 1978-1979 export findings on bobcat, lynx, river otter and American ginseng (43 FR 39305).

Section 810.3 proposes a new definition for "not detrimental to the survival of the species." In making findings on detriment, the ESSA would focus its review on population characteristics as they may be impacted by trade and are descriptive of long-term trends in distribution and abundance of affected populations. An initial judgment would be made whether

trends in density, birth rate, mortality, or other measures of population attributes indicate that the population is capable of maintaining itself or increasing within its occupied range. This judgment will address the population throughout its range, as will the other three criteria of this definition, and may accomplish this objective by making separate judgments on detriment for subunits defined biologically, by geographic separation, or by political boundaries (e.g., state or country).

Second, a judgment would be made whether the population's distribution is not currently being reduced by harvest or is expanding.

Third, a judgment would be made whether exploitation and other human influences are controlled, when necessary, to prevent removal or loss of more individuals than can be replaced by the population.

Last, the ESSA would evaluate any available information that allows comparison of the current population distribution and abundance with historic norms. As for the determinations above, this may be done for subunits of the population. When such a comparison is possible, a finding of no detriment would be made only if the distribution and abundance approach or are progressing towards historic norms to the extent suitable habitat exists and consistent with scientific wildlife management. In any event, the population distribution and abundance must reflect scientifically proper wildlife management. Only an approximate definition of this final clause is possible at this time. The concept of scientific management was discussed in our April 10, 1978, Federal Register notice (43 FR 15097), including an endorsement of the following principles developed by the referenced workshops:

In February and April 1975, the U.S. Appeal of the World Wildlife Fund, the Ecological Society of America, the International Union for Conservation of Nature and Natural Resources, the Smithsonian Institution and the Council on Environmental Quality sponsored workshops on developing a better scientific basis for management of fisheries and other critical living resources. The major conclusion was that no simple formula, such as MSY, is suitable. Rather, scientific management must consider a species in relation to its ecosystem, and any system must conform to four principles:

1. Resources should be managed to prevent irreversible or long-term adverse changes.

2. Because of inadequacies in knowledge and in management

institutions, management decisions should include a safety factor.

3. Conservation of one resource should not cause waste of another.

4. Use of a wild living resource should be preceded by survey and analysis of the species and ecosystem involved and should be accompanied by continuous monitoring and assessment, the results to be made available to the public. (Sixth Annual Report of the Council on Environmental Quality, December 1975, pp. 405-407.)

Pending development of a more precise definition, we expect to address the concept of scientific wildlife management in our periodic general findings for these species.

Part 811 concerns CITES permits. § 811.01 distinguishes the choice and nature of ESSA findings on individual permits as opposed to general findings applicable to a class of permits. The ESSA may in certain circumstances make general findings on an entire class of permits when the volume of trade is significant and it would not be practical, for purposes of administration or review, to address permit applications on a case by case basis. In addition, § 811.1 specifies procedures for establishment and revocation of general findings. The remainder of part 811 essentially restates well-established ESSA policy.

Section 811.4 would provide standards for findings on imports of Appendix I specimens. Prior to the issuance of any import permit for Appendix I specimens, the CITES requires that the Scientific Authority of each Party nation advise the Management Authority that "the import will be for purposes which are not detrimental to the survival of the species." The ESSA views such a finding as different from a finding of "not detrimental to the survival of the species" and proposes standards which are intended to ensure appropriate limitations and safeguards on trade in these most threatened species.

Section 811.5 would implement the interim policies published by the ESSA on April 30, 1979, concerning the findings on trade in specimens of species included in the appendices to control trade in other species. The CITES provides for regulation of trade in certain species when such regulation is needed to effectively control trade in species that are or may become threatened with extinction. This section provides standards to help ensure that this purpose is fulfilled, through a finding relating to the status of the species meant to be protected.

Section 811.6 would adopt standards for the registration of scientific

institutions recommended by the Conference of the Parties (Second Meeting, San Jose, Costa Rica, 19 to 30 March 1979; Com. 2.1). Article VII 6 of the CITES provides an exemption from requirements of the regulation of trade in specimens of species included in Appendices I, II and III for "non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority". The Conference directed each Party nation's Scientific Authority to advise whether scientific institutions meet the recommended standards.

Parts 812 and 813 are intended to clarify the more general responsibilities of the ESSA.

Publication of these proposed regulations has been approved by the Endangered Species Scientific Authority.

Note.—The ESSA has determined that this document does not contain a significant rule as defined by Executive Order 12044.

Dated: July 5, 1979.

William Y. Brown,
Executive Secretary.

Accordingly, it is proposed to amend chapter VIII to Title 50 as follows:

1. Add a heading for Subchapter A of Chapter VIII: "General Provisions."

2. Add a heading for Subchapter B of Chapter VIII: "Convention on International Trade in Endangered Species of Wild Fauna and Flora."

3. Add a table of contents for Chapter VIII.

4. The annexes currently attached to Part 810 are transferred to Part 811.

5. In Subchapter A, add parts 801, 802, 803.

6. In Subchapter B, revise Part 810 and add Parts 811, 812, and 813.

The amended Chapter VIII reads as follows:

CHAPTER VIII—ENDANGERED SPECIES SCIENTIFIC AUTHORITY

SUBCHAPTER A—GENERAL PROVISIONS

Part	
801	General.
802	Composition and Fundamental Operation.
803	Freedom of Information Act Procedures.

SUBCHAPTER B—CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

810	General.
811	Permits.
812	CITES appendices.
813	CITES text and implementation.

PART 801—GENERAL**§ 801.1 Definitions.**

"Chairman" means the Chairman of the Endangered Species Scientific Authority designated by the Secretary of the Interior pursuant to § 3(b) of Executive Order 11911.

"Endangered Species Scientific Authority", abbreviated in this chapter as ESSA, means the federal commission of this name established by § 3(a) of Executive Order 11911 and designated the Scientific Authority for purposes of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Although ESSA Members represent the heads of various agencies, actions taken by Members as representatives to the ESSA do not necessarily represent the positions of their agencies on those matters.

"Executive Secretary" means the Executive Secretary of the ESSA designated by the Secretary of the Interior pursuant to § 3(d) of Executive Order 11911.

"Management Authority," abbreviated in this chapter as MA, means the Secretary of the Interior as designated by § 1 of Executive Order 11911.

"Member" means those agency representatives to the ESSA designated pursuant to §§ 3 (b) and (c) of Executive Order 11911.

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, *opened for signature* March 2, 1973, T.I.A.S. No. 8249, 27 U.S.T. 1087; Endangered Species Act of 1973, 16 U.S.C. 1531 et seq.; Executive Order 11911, 41 FR 15683, 3 CFR 112-114 (1977).

PART 802—COMPOSITION AND FUNDAMENTAL OPERATION

Sec.

- 802.1 Membership.
- 802.2 Majority voting.
- 802.3 Authorities and duties of the Chairman.
- 802.4 Authorities and duties of the Executive Secretary.
- 802.5 Meetings.
- 802.6 Outside opinions.

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, *opened for signature* March 2, 1973, T.I.A.S. No. 8249, 27 U.S.T. 1087; Endangered Species Act of 1973, 16 U.S.C. 1531 et seq.; Executive Order 11911, 41 FR 15683, 3 CFR 112-114 (1977).

§ 802.1 Membership.

(a) The ESSA shall be composed of scientifically qualified agency representatives. Each of the following

shall designate one such representative from his agency.

(1) The Secretary of the Interior, whose representative shall be the Chairman.

(2) The Secretary of Agriculture.

(3) The Secretary of Commerce.

(4) The Secretary of Health, Education, and Welfare.

(5) The Director of the National Science Foundation.

(6) The Chairman of the Council on Environmental Quality.

(b) The Secretary of the Smithsonian Institution is invited to designate a representative.

(c) Each federal agency represented on the ESSA and the Smithsonian Institutions shall provide the Executive Secretary with the name, position, address, and phone number of its representative, and of an alternate.

§ 802.2 Majority voting.

Any action of the ESSA for which a vote is taken, shall be decided by a simple majority of those members present and casting an affirmative or negative vote. A quorum shall consist of at least five Members or their alternates.

Positions taken by the ESSA Members do not necessarily represent the positions of those agencies whose representatives serve on the ESSA, and any interagency procedures adopted by the ESSA are independent of any procedures that may be adopted by those agencies whose representatives serve on the ESSA.

§ 802.3 Authorities and duties of the Chairman.

The Chairman of the ESSA shall:

(a) Convene and preside at each meeting of the ESSA, unless the Chairman's alternate, a Member, or the Executive Secretary has been specifically authorized by the Chairman to undertake this responsibility.

(b) Represent the ESSA as necessary and appropriate.

(c) Take actions on behalf of the ESSA pursuant to any authority that it may grant.

(d) Supervise on behalf of the ESSA the activities of the Executive Secretary.

§ 802.4 Authorities and duties of the Executive Secretary.

The Executive Secretary of the ESSA shall:

(a) Arrange for and organize the meetings of the ESSA.

(b) Ensure that adequate information and advice on potential actions requiring the attention of the Members is put before the ESSA in a timely fashion.

Ensure that the outside opinion provision of § 802.6 is fulfilled before decisions are made by the ESSA.

(d) Carry out the established policies and directives of the ESSA.

(e) Take actions on behalf of the ESSA pursuant to any authority it may grant.

(f) Maintain the records of the ESSA.

(g) Arrange the administrative support for the ESSA.

(h) Supervise the staff of the ESSA.

§ 802.5 Meetings.

(a) *Time and place.* Unless otherwise decided by the ESSA, meetings will be held the first Tuesday of each month at the Main Interior Building, 18th & C Streets, N.W., Washington, D.C. Verification of the time and place of particular meetings, including hour and room number, may be obtained by contacting the Office of the Executive Secretary, Endangered Species Scientific Authority, 18th & C Streets N.W., Washington, D.C. 20240, (202) 653-5948. Meetings may be canceled or rescheduled without public notice at the discretion of the Chairman or Executive Secretary.

(b) *Public attendance.* A public comment period will begin each regularly scheduled ESSA meeting and generally will be limited to one-half hour or less. Any person may make a public statement or comment on ESSA matters during a comment period, provided a prior appointment is made with the Executive Secretary of the ESSA. Appointments will be made on a first-come, first-served basis, but the Chairman or Executive Secretary may limit the number and length and arrange the order of statements at their discretion.

Following the public comment period at regular ESSA meetings, members of the public may remain as observers except when the ESSA is in executive session. No prior appointment is necessary to attend a regular ESSA meeting as an observer. However, persons without appointments cannot be guaranteed seating.

Periods of public observation will end and executive sessions of ESSA Members, staff, and invited Federal officials, will begin at the discretion of the Chairman or upon the motion of any Members, unless a majority of Members object. Each regular meeting will end with an executive session.

To obtain information on the date, time and place of ESSA meetings, or to make appointments for public statements or comment, contact: Executive Secretary, Endangered Species Scientific Authority, 18th & C

Streets, NW, Washington, DC 20240,
(202) 653-5948.

§ 802.6 Outside opinions.

In the discharge of its responsibilities the ESSA shall, to the extent practicable, ascertain the views of, and utilize the expertise of, the governmental and non-governmental scientific communities, state agencies responsible for the conservation of wild fauna and flora, humane groups, zoological and botanical institutions, recreational and commercial interests, the conservation community and others as appropriate.

PART 803—FREEDOM OF INFORMATION ACT PROCEDURES

Sec.

- 803.1 Purpose and scope.
- 803.2 Records available.
- 803.3 Request for records.
- 803.4 Action on initial requests.
- 803.5 Appeals.
- 803.6 Action on appeals.
- 803.7 Fees.

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, opened for signature March 2, 1973, T.I.A.S. No. 8249, 27 U.S.T. 1087; Endangered Species Act of 1973, 16 U.S.C. 1531 et seq.; Executive Order 11911, 41 FR 15683, 3 CFR 112-114 (1977); Freedom of Information Act, 5 U.S.C. 552.

§ 803.1 Purpose and scope.

These regulations implement the provisions of the Freedom of Information Act, 5 U.S.C. 552, relating to the availability of agency records. They establish procedures under which the public may inspect and obtain copies of records maintained by the ESSA, provide for administrative appeals of initial determinations to deny requests for records and prescribe uniform fees to be charged by the ESSA to recover direct search and duplication costs.

§ 803.2 Records available.

(a) The records of the ESSA shall promptly be made available to the public upon request in accordance with the procedures of this part. It is the policy of the ESSA to make its records available to the public to the greatest extent possible in keeping with the spirit of the Freedom of Information Act.

(b) Records falling into certain categories may be exempted from disclosure. Requests for disclosure of records may be denied if they contain matters that are:

(1) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy, and are in fact properly classified pursuant to such Executive Order;

(2) Related solely to the internal personnel rules and practices of the ESSA;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets or commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the ESSA;

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would:

(i) Interfere with enforcement proceedings;

(ii) Deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Constitute an unwarranted invasion of personal privacy;

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(v) Disclose investigative techniques and procedures, or

(vi) Endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(c) It is the policy of the ESSA to withhold information falling within an exempt category as described in paragraph (b) only if disclosure is prohibited by statute or executive order and sound grounds exist for invocation of the exemption.

(d) If a requested record contains material within an exempt category along with material not within an exempt category and it is determined under the regulations of this part to withhold the exempt material, any reasonable segregable non-exempt material shall be separated from the exempt material and be made available.

§ 803.3 Request for records.

(a) Requests to inspect and obtain copies of records maintained by the ESSA may be made in writing to the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets NW, Washington, DC 20240.

(b) Each request shall reasonably describe the record sought and should provide sufficient information to facilitate retrieval of the record without undue delay. The ESSA staff shall assist to the extent practicable in identifying records that are imprecisely described by the person requesting the records. If the description of a record sought is insufficient to all identification and location of the record, the response denying a written request shall so state and, to the extent possible, indicate what additional descriptive information, if any, would assist in the location of the record.

(c) A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be reasonably described if (1) it can be determined which particular records are covered by the request and (2) the records can be searched for, collected and produced without unduly burdening or interfering with ESSA operations because of staff time consumed or the resulting disruption of the files.

§ 803.4 Action on initial requests.

(a) The Executive Secretary shall determine whether an initial request of records is to be granted or denied.

(b) *Granting of requests.* (1) A requested record shall be made available if the record is not exempt from disclosure, or if the record is exempt from disclosure but its withholding is neither required by statute or executive order nor supported by sound grounds for non-disclosure.

(2) When a requested record has been determined to be available, the person making the request will be so notified immediately. The notification will also state where and when the record is available for inspection or, as the case may be, where and when copies will be available. If fees are due under § 803.07, the notification will state the amount of fees due.

(c) *Denial of requests.* (1) A request for a record may be denied only if it is determined that the record is exempt from disclosure and that the withholding of the record is required by statute or executive order and supported by sound grounds for non-disclosure.

(2) A reply denying a request shall be in writing and shall include:

(i) A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record;

(ii) The reasons for the withholding of the records;

(iii) A listing of the names and titles or positions of each person responsible for the denial; and

(iv) A statement that the denial may be appealed to the ESSA in accordance with the provisions of § 803.5.

(3) The requirements of this paragraph do not apply to requests denied under § 803.02 on the ground that the request did not reasonably describe the records requested or that the request was for records that do not exist.

(d) *Time Limits.* (1) A determination whether to grant or deny a request for records shall be made within no more than 10 days (excepting Saturdays, Sundays and legal holidays) after receipt of the request.

(2) In the following unusual circumstances, the time limit for acting upon an initial request may be extended to the extent reasonably necessary for the proper processing of the particular request, but in no case may the time limit be extended for more than 10 working days:

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request.

Extensions of time may be granted by the Executive Secretary and the person requesting the records shall be notified in writing of the extension, of the reasons for the extension and of the date on which a determination on the request is expected.

(3) If no determination has been reached at the end of the 10-day period for deciding an initial request, or the last extension thereof, the requester may deem his request denied and may exercise a right of appeal in accordance with the provisions of § 803.5.

§ 803.5 Appeals.

(a) Where a request for records has been denied, in whole or part, the person submitting the request may appeal the denial to the ESSA.

(b) An appeal must be received no later than twenty (20) days (Saturdays, Sundays, and public legal holidays—excepted) after the date of the initial denial, in the case of a denial of an entire request, or twenty (20) days (Saturdays, Sundays, and public legal holidays—excepted) after records have been made available, in the case of a partial denial.

(c) An appeal shall be initiated by filing a written notice of appeal. The notice shall be accompanied by copies of the original request and the initial denial and shall contain a statement of the reason why the requester believes the initial denial to have been in error. The appeal shall be addressed to Endangered Species Scientific Authority, 18th and C Streets, NW, Washington, DC 20240.

§ 803.6 Action on appeals.

(a) Appeals from initial denials of requests for records shall be decided by the ESSA.

(b) *Time Limit.* (1) A final determination on any appeal shall be made within 20 days (excepting Saturdays, Sundays, and public legal holidays) after receipt of the appeal.

(2) If the time limit for responding to the initial request for a record was not extended under the provisions of § 803.4(d)(2) or was extended for fewer than 10 working days the time for processing of the appeal may be extended by the ESSA to the extent reasonably necessary for the proper processing of the appeal, but in no event may the extension, when taken together with any extension made during processing of the initial request, result in an aggregate extension with respect to any one request of more than 10 working days. The time for processing of an appeal may be extended only if one or more of the unusual circumstances listed in § 803.4(d)(2) requires an extension.

The Chairman shall, in writing, advise the appellant of a decision of the ESSA to extend the time period for determination of the appeal, of the reasons for the extension and of the date on which a final determination on the appeal is expected.

(3) If no determination on the appeal has been reached at the end of the 20 working-day period for deciding an appeal, or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a District Court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be reached within the applicable time limit, the appeal will nevertheless continue to be processed. On expiration of the time

limit the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched and of his right to seek judicial review. The requester may be asked to consider delaying resort to his right to judicial review until the date on which the determination on his appeal is expected to be dispatched.

(c) The final determination on an appeal shall be in writing and shall state the basis for the determination. If the determination is to release the requested records or portions thereof, the Executive Secretary will be instructed to immediately make the records available. If the determination upholds in whole or part the initial denial of a request for records, the determination shall advise the requester of his right to obtain judicial review in the United States District Court for the district in which the withheld records are located, or in which the requester resides or has his principal place of business or in the United States District Court for the District of Columbia.

§ 803.7 Fees.

The following standard charges for document search and duplication, based on the direct costs of such services, must be paid before access to, or copies of material will be granted under these regulations:

(1) Search; \$6.00 per person-hour for clerical time; \$12.00 per person-hour for professional or supervisory time.

(2) Duplication; \$0.10 per page of photocopied material.

(b) The ESSA shall furnish without charge, or at a reduced charge, copies of any records disclosed pursuant to these regulations, whenever the Executive Secretary determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

SUBCHAPTER B—CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

PART 810—GENERAL

§ 810.1 Definitions.

Any terms defined in part 801 or in Article I of the CITES shall have the same meaning in this subchapter.

"CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087.

"Not detrimental to the survival of the species" means, with respect to exploitation resulting from demand for trade, that such exploitation is compatible with the following as applied

to the long-term distribution and abundance of the affected population: (1) Measures of population attributes indicate the population is capable of maintaining itself or increasing throughout its occupied range; (2) the population's geographic distribution is not currently being reduced by harvest or is expanding; (3) exploitation and other human influences, such as significant habitat loss, are controlled to prevent removal or loss of more individuals than can be replaced by the population; and (4) the population's distribution and abundance approach or are progressing towards historic norms to the extent potentially suitable habitat exists and consistent with scientific wildlife management.

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, opened for signature March 2, 1973, T.I.A.S. No. 8249, 27 U.S.T. 1087; Endangered Species Act of 1973, 16 U.S.C. 1531 et seq.; Executive Order 11911, 41 FR 15683, 3 CFR 112-114 (1977).

PART 811—CITES PERMITS.

Sec.

- 811.1 General procedures.
 - 811.2 Exportation of Appendix I or Appendix II specimens.
 - 811.3 Introduction from the sea of Appendix I or Appendix II specimens.
 - 811.4 Importation of Appendix I specimens.
 - 811.5 Species included in the appendices to control trade in other species.
 - 811.6 Scientific exchange.
- The 1978-79 Annex.

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, opened for signature March 2, 1973, T.I.A.S. No. 8249, 27 U.S.T. 1087; Endangered Species Act of 1973, 16 U.S.C. 1531 et seq.; Executive Order 11911, 41 FR 15683, 3 CFR 112-114 (1977).

§ 811.1 General procedures.

(a) *Findings on individual CITES permit applications.* Except as specified in § 811.1(b), the ESSA will review each CITES permit application that is transmitted to it by the MA and for which an ESSA finding is required as set forth in this part. The ESSA will evaluate the information provided by the MA and any other relevant information which it can obtain. With respect to findings pursuant to §§ 811.2-811.5, the ESSA will then advise the MA whether the export or purpose of import will not be detrimental to the survival of the species, or whether the ESSA is unable to make such a finding. With respect to findings pursuant to § 811.6, the ESSA will then advise the MA whether a scientific institution meets the standards described in that section. Advice provided pursuant to this section

will be in the form of a finding, with grounds and any conditions considered to be necessary and appropriate by the ESSA. A finding may be voided by the ESSA at any time if the conditions on the finding have not been satisfied, or if new reliable information indicates that the finding is no longer supported by the evidence.

(b) *General CITES Permit Findings.*

(1) *Use of general finding.*

Notwithstanding § 811.1(a), the ESSA may in certain circumstances advise the MA on detriment to the survival of species applicable to an entire class of permits. Such general findings normally will be made when:

- (i) Information upon which the determination must be based is of such a nature that it is unlikely to be developed in the course of material submitted with any particular application;
- (ii) The volume of trade in the species in question is significant;
- (iii) It would be administratively convenient to have the advice formulated on the basis of a class of permits rather than on a permit-by-permit basis.

(2) *Effective period.* General findings made under this section will be effective for a limited duration, stated when the finding is established.

(3) *Grounds and conditions.* General findings made under this section will include discussion of the reasons for the findings, as well as any conditions on the findings considered to be necessary and appropriate by the ESSA.

(4) *Procedure.* General findings will be made through a notice and comment procedure.

(i) Proposed findings will be published in the **Federal Register** and a comment period of thirty days, or more, will be provided, except for good cause stated in the notice.

(ii) Notice of final findings will be published in the **Federal Register** after evaluation of comments received on the proposed findings and other relevant information.

(5) *Emergency variances.* The ESSA may withdraw any final general findings of no detriment before the end of their effective periods, without prior notice and comment, if the conditions on the finding have not been satisfied, or reliable new information indicates that the finding is no longer supported by the evidence. Any such emergency variances will become effective upon the approval of the ESSA and signature by the Executive Secretary. Notice of the variance will be published in the **Federal Register** and the grounds for the variance will be stated therein.

§ 811.2 Exportation of appendix I or appendix II specimens.

Subject to the special provisions of Article VII of the CITES, the ESSA must advise the MA that export of any specimens of Appendix I or Appendix II species will not be detrimental to the survival of the species prior to the issuance of any export permits for such specimens.

§ 811.3 Introduction from the sea of appendix I or appendix II specimens.

Subject to the special provisions of Article VII of the CITES, the ESSA must advise the MA that introduction from the sea into the United States of any specimens of Appendix I or Appendix II species will not be detrimental to the survival of the species prior to the issuance of any certificates of introduction from the sea for such specimens. "Introduction from the sea" is defined by the CITES to mean transportation into a country of specimens of a species which were taken in the marine environment not under the jurisdiction of any country.

§ 811.4 Importation of appendix I specimens.

Subject to the special provisions of Article VII of the CITES, the ESSA must advise the MA of the following prior to the issuance of any import permit for any specimens of Appendix I species:

(a) The import will be for purposes which are not detrimental to the survival of the species. Such a finding will be made only under the following circumstances:

(1) The import is for an essential scientific use not detrimental to the survival of the species. Scientific use will be considered essential only if no alternative species are available and the number of specimens proposed is the minimum that will produce acceptable scientific results;

(2) The import will be of salvaged specimens intended for any bona fide scientific use, provided that the possibility of import neither directly or indirectly contributed to the specimens' death or removal from the wild; or

(3) The import is likely to enhance the survival of the species, through captive breeding or other endeavors likely to have such an effect.

Import for purposes other than those set forth in § 811.4(a) (1), (2) and (3) will not be approved unless clear and convincing evidence is presented demonstrating that approval of import will enhance the survival of the species. Imports in this category include, but are not limited to, import for profit, amateur collecting, falconry, and trophies;

(b) The proposed recipient of any living specimen is suitably equipped to house and care for it. In determining whether the proposed recipient of a living Appendix I specimen is suitably equipped to house and care for it, the ESSA may, as appropriate, consider the following factors among others:

(1) Housing. (i) Whether facilities are of a structure and state of repair adequate to contain and unlikely to injure the specimen.

(ii) Whether facilities provide space essential to health and well-being.

(iii) Whether facilities are served by an adequate power source.

(iv) Whether facilities are properly ventilated and lighted and whether the temperature may be kept within the normal range of the specimen's requirements.

(v) Whether adequate facilities are available for the disposal of water and for cleaning.

(vi) Whether food and other materials used in the care of the specimen will be stored and maintained in facilities that keep the food in a wholesome condition.

(2) Care. (i) Whether ventilation, lighting, and temperature will be adequately monitored and controlled.

(ii) Whether water, food, and other nutritional requirements will be supplied that are adequate in kind, amount, quality and availability.

(iii) Whether waste will be removed expeditiously, and a high level of sanitation maintained generally.

(iv) Whether persons caring for the specimens have appropriate experience with the same or similar species.

(v) Whether the specimens will be sheltered from circumstances adverse to their well-being, and will be properly cared for if ill or injured.

§ 811.5 Species included in the appendices to control trade in other species.

For those species expressly included in the appendices in order to control trade in other species rather than because of threat or potential threat to their own survival, the ESSA will make findings on detriment pursuant to §§ 811.2, 811.3, and 811.4 with respect to the detrimental impact that trade in specimens of these species may have on those threatened or potentially threatened species that were meant to be protected by the inclusion. In making such findings, the ESSA will focus its analysis on any potential confusion in identification between the "control" species and those species that its trade is controlled to protect, as well as on any other identifiable effects of trade in the "control" species that may be

detrimental to the survival of the species meant to be protected. The ESSA may establish any conditions on findings of no detriment for trade in control species that the ESSA considers necessary and appropriate to ensure that trade in such species will not be detrimental to those threatened or potentially threatened species meant to be protected. If considered appropriate by the ESSA, findings on detriment for certain species may address both the impact that trade in those species may have upon the species themselves as well as the impact on other species. Species included in the appendices as members of higher taxa generally will be treated in this manner unless they were expressly included in the appendices solely because of threat or potential threat to their survival or solely to control trade in other species.

§ 811.6 Scientific exchange.

The ESSA will advise the MA whether scientific institutions meet the following standards upon the application of such institutions for any permit for scientific exchange under Article VII 6:

(1) Collections of animals or plant specimens and records ancillary to them shall be permanently housed and professionally curated;

(2) Specimens shall be accessible to all qualified users, including those from other institutions;

(3) All accessions shall be properly recorded in a permanent catalogue;

(4) Permanent records be maintained for loans and transfers to other institutions;

(5) Specimens shall be acquired primarily for purposes of research that is to be reported in scientific publications;

(6) Specimens shall be prepared and the collections arranged in a manner that insure their utility;

(7) Data on specimen labels, permanent catalogues and other records should be accurate;

(8) Acquisitions and possession of specimens shall accord with the laws of the State in which the scientific institution is located; and

(9) All specimens of species included in Appendix I shall be permanently and centrally housed under the direct control of a responsible registered scientific institution and shall be managed in a manner to preclude the use of such specimens for decoration, trophies, or other purposes incompatible with the principles of the CITES.

The 1978-79 Annex

Note.—The 1978-79 annex appears in the October 1, 1978 revision of 50 CFR Chapter VIII.

PART 812—AMENDMENTS TO CITES APPENDICES

Sec.

812.1 Continuing review.

812.2 Appendices I and II.

812.3 Appendix III.

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, opened for signature March 2, 1973, T.I.A.S. No. 8249, 27 U.S.T. 1087; Endangered Species Act of 1973, 16 U.S.C. 1531 et seq.; Executive Order 11911, 41 FR 15683, 3 CFR 112-114 (1977).

§ 812.1 Continuing review.

The ESSA will review the species of the world on a continuing basis to determine whether they should be proposed for addition to or deletion from the CITES Appendices, and will advise the MA of any amendments that are appropriate.

§ 812.2 Appendices I and II.

Additions and deletions with respect to Appendices I and II will be advised consistent with criteria established by the Parties to the CITES. Current criteria were adopted at the First Meeting of the Conference of the Parties in Bern, Switzerland (Conf. 1.1, 1.2; 1.3). Copies of these criteria may be obtained from the ESSA.

§ 812.3 Appendix III.

Additions to Appendix III will be advised if a species is subject to protective regulation within the jurisdiction of the United States and is found in need of the cooperation of other CITES parties in the control of trade. Deletion will be recommended if a species is found to no longer meet the criteria above.

PART 813—CITES TEXT AND IMPLEMENTATION

Sec.

813.1 Changes in law and policy.

813.2 Review and advice on implementation.

813.3 Confiscated specimens.

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, opened for signature March 2, 1973, T.I.A.S. No. 8249, 27 U.S.T. 1087; Endangered Species Act of 1973, 16 U.S.C. 1531 et seq.; Executive Order 11911, 41 FR 15683, 3 CFR 112-114 (1977).

§ 813.1 Changes in law and policy.

As it deems necessary and appropriate, the ESSA will advise the MA concerning the CITES text, implementing resolutions of the Parties, regulations issued by the MA, or other documents establishing international or domestic policy.

§ 813.2 Review and advice on implementation.

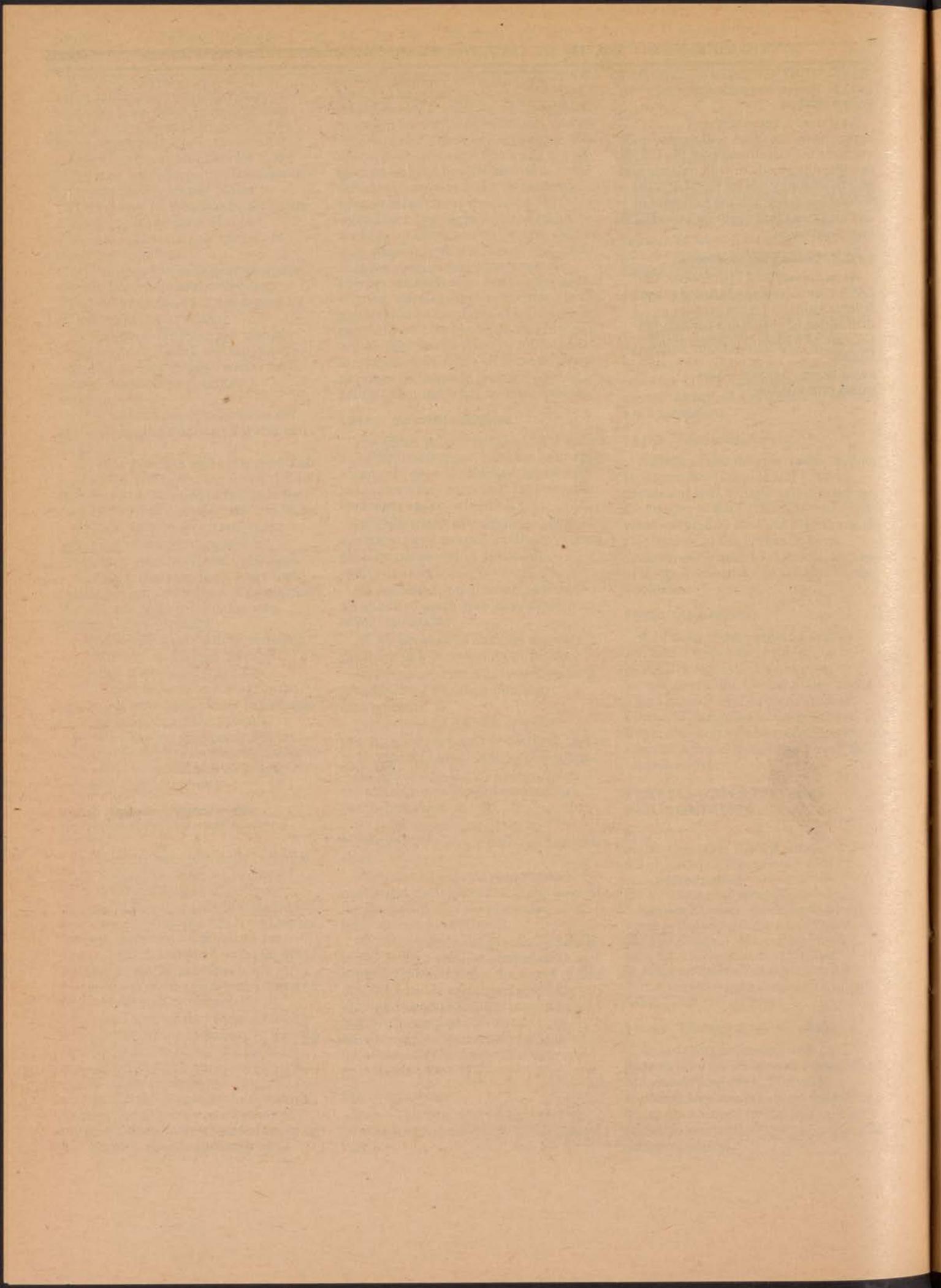
As it deems necessary and appropriate, the ESSA will review and evaluate the effectiveness of the CITES in controlling trade in wild animals and plants, and may advise the MA, other federal agencies, and the Congress of any measures that might improve CITES implementation.

§ 813.3 Confiscated specimens.

As necessary and appropriate, the ESSA may advise the MA and other federal agencies on the proper disposition of specimens confiscated because of trade in violation of the CITES.

[FR Doc. 79-21219 Filed 7-10-79; 8:45 am]

BILLING CODE 4310-55-M



federal register

Wednesday
July 11, 1979

Part III

Department of Agriculture

**Agricultural Marketing Service,
Commodity Credit Corporation**

**Burley Tobacco; Experimental Sales and
Proposed Price Support**

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

U.S. Type 31—Burley Tobacco;
Experimental Sales of Burley Tobacco
in Untied Form

AGENCY: Agricultural Marketing Service.

ACTION: Proposed rule.

SUMMARY: It is proposed that the Official Standard Grades for Burley Tobacco, U.S. Type 31, adopted for the 1978-79 season be in effect, with modifications, during the 1979-80 season. Burley tobacco is grown primarily in Kentucky, Tennessee, Ohio, Indiana, Virginia, North Carolina, West Virginia and Missouri. Prior to the 1978-79 season, burley tobacco was eligible for all official grades only when marketed tied in hands. For educational and research purposes, the Department proposes that burley tobacco also be eligible for all official grades when marketed untied in bales in limited quantities on all sales days during the 1979-80 season.

DATES: Comments due on or before August 10, 1979.

ADDRESSES: Send comments in duplicate to the Hearing Clerk, United States Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250. Comments will be made available for public inspection at the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Leonard J. Ford, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. (202) 447-7235).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is considering a modification of the Official Standard Grades for Burley Tobacco, U.S. Type 31, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

During the 1974-75 and 1975-76 burley marketing seasons, the Department cooperated with the University of Kentucky which was conducting experimental sales of untied baled burley tobacco. In these experiments, federal tobacco graders applied unofficial grades to the tobacco. This unofficial grading involved a determination by the federal graders as to the official grade a particular lot of tobacco would have warranted if the lot

had been properly prepared for market and displayed as part of a regularly scheduled auction. In the 1976-77 season, experimental sales were conducted, using both baled tobacco and tobacco packed loose on burlap sheets, by the Universities of Kentucky and Tennessee and various State Farm Bureaus. Again, only unofficial grades were applied by government graders. Experimental sales were discontinued during the 1977-78 season and the Council for Burley Tobacco appointed a committee to further study the entire project. Subsequent to this study, the Council made recommendations to the Secretary of Agriculture for the conducting of further experimental sales of baled burley tobacco in the 1978-79 marketing year.

Based on numerous requests from the burley industry and, particularly, on the recommendations of the Council, the Department amended its regulations for the 1978-79 season, solely for experimental purposes, to provide that on certain days during the season federal graders apply official grades to limited quantities of untied burley tobacco packed straight in bales and offered for sale at auction centers throughout the entire burley production area.

Following the completion of the 1978-79 marketing season, the Department collected pertinent project data on relevant aspects of the experiment. Much data was supplied by the Universities of Kentucky and Tennessee. At the request of the Agricultural Marketing Service, a study was made and a report was compiled by the Economics, Statistics, and Cooperatives Service which analyzed, interpreted, and summarized all available data on the experiment. Copies of this report may be obtained from: Information Division, Agricultural Marketing Service, Room 3639-S, U.S. Department of Agriculture, Washington, D.C. 20250. Briefly, the report concludes:

10.6 million pounds of burley was sold in bales—1.6 percent of total sales. Baled tobacco prices averaged one cent per pound lower than tied prices. Price differentials for baled tobacco varied by grade of tobacco—lug and leaf differentials were lowest and tips and nondescript highest. Grade distribution of tied and baled tobacco were similar. Some growers can realize cost savings of seven cents per pound by marketing their tobacco untied.

The report was reviewed by officials of the Agricultural Marketing Service, Agricultural Stabilization and

Conservation Service, and Economics, Statistics, and Cooperatives Service. Based on their findings, in the interest of the burley tobacco industry, the Department proposes to extend the experiment, with modifications, into the 1979-80 marketing season.

Prior to the 1978-79 season, the definition of "rework," Section 29.3050, of the regulations provided that tobacco not tied in hands be graded NOG (no grade), a non-price supported designation applied to tobacco classified as nested, off-type, rework, semicured, damaged 20 percent or more, abnormally dirty, containing foreign matter, and/or having an odor foreign to the type.

Based on the Department's evaluation of the 1978-79 experiment, it is proposed that the definition of "rework" in § 29.3050 be amended for the 1979-80 marketing season only, to allow burley tobacco, untied in bales, to qualify for any of the official standard grades for which it meets the specifications, providing that the leaves in said bale are not tied in hands, are packed straight and that the bales are approximately 1×2×3 feet in size. Further, it is proposed that such baled burley tobacco be officially graded at any warehouse on all sales days during the 1979-80 season, in lieu of the 5 sales days in effect during the 1978-79 season.

The proposal by the Department is conditioned by the following:

1. That it is the responsibility of the operator of a warehouse to open the particular bale in a lot of tobacco chosen by a grader for inspection and to reseal that bale after inspection; and
2. That the producer is responsible for certifying that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and that the bales are not nested.

The Department's instructions to graders would be amended to conform to these understandings.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal may file the same in duplicate with the Hearing Clerk, USDA, Room 1077 South Building, Washington, D.C. 20250, not later than August 10, 1979.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Section 29.3050 of the regulations is proposed to be amended as follows:

§ 29.3050 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type because the lot contains a substantial of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market: *Provided*, That during the burley marketing season which will begin in November or December 1979 and end by April 1980, burley tobacco which is offered for sale in bales shall not be considered to require rework if the tobacco in said bales is not tied in hands, is packed straight, and the size of the bale is approximately 1×2×3 feet. *Provided further*, That: (1) tobacco marketed untied in bales will be officially graded on all sales days at any warehouse during the 1979-80 marketing season; (2) the operator of any warehouse at which baled burley tobacco is offered for sale shall open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection; and (3) the producer, by offering untied, baled burley tobacco for sale, certifies that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and are not nested.

Dated: July 6, 1979.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 79-21344 Filed 7-10-79; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation
[7 CFR Part 1464]
Tobacco Loan Program; Proposed Price Support for Baled Burley Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation is considering extending into the 1979 crop year price support

availability on limited quantities of untied burley tobacco. This continuation of price support availability is being proposed in furtherance of a study which is being conducted to determine whether marketing burley tobacco untied in bales would reduce market preparation costs. Interested parties are invited to submit written views and recommendations on this proposal.

DATES: Comments must be received by August 10, 1979.

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

FOR FURTHER INFORMATION CONTACT: Thomas A. VonGarlem, (202) 447-7954.

SUPPLEMENTARY INFORMATION: Burley tobacco has traditionally been marketed tied in hands of about 20 leaves. Before 1978, burley tobacco was required to be marketed tied in hands as a condition for price support. Because the present marketing system is structured to handle tobacco prepared in this manner, changes in marketing and processing procedures and techniques may be necessary to accommodate the handling of tobacco in a different manner. The process of tying the tobacco in hands is time consuming and, therefore, costly to producers.

Since 1973, an industry group has been conducting an experiment to determine whether marketing untied burley tobacco would reduce market preparation costs. During the 1978 crop year the experiment was expanded by permitting a small percentage of the total crop to be eligible for price support. This allowed the Department of Agriculture in conjunction with the land grant universities in Kentucky and Tennessee to also research the experiment.

A report containing the results of this research has been published. However, its findings are inconclusive. Only 1.6 percent (10.6 million pounds) of the 1978 crop of burley tobacco was marketed in bales. Because the sample is so small, no statistical inferences can be made with an acceptable degree of accuracy. Also, the data gathered may not be meaningful as the relationships of costs may change if all facets of the industry were to prepare to handle baled burley on a larger scale.

Accordingly, it is proposed that the experiment continue into the 1979 crop of burley tobacco. The major objectives of the proposed amendments to the price support regulations are as follows: (1) A quantity of tobacco sufficient to allow evaluation of the effects on the various marketing and processing procedures

could be marketed in bales with price support within the traditional marketing system; (2) all burley tobacco producers who desire to do so could participate equitably in the marketing of the limited quantity of tobacco that could be marketed in bales with price support; (3) the time of marketing in bales with price support would be spaced throughout the marketing season so as to afford maximum opportunity for warehousemen and buyers to make any necessary modification to their usual procedures and thus minimize any disruption to the marketing of burley tobacco tied in hands in the traditional manner; (4) because it is inherently difficult, if not impossible, to ascertain the quality and condition of all the tobacco in a bale or bales at the time of purchase or consignment for price support at the warehouse, proper certification as to certain characteristics of the bales would be a condition of price support eligibility for producers whose baled tobacco is consigned for price support.

Proposed Rule

Under the Tobacco Loan Program published in this part, Commodity Credit Corporation proposes to make price support available on untied 1979 crop burley tobacco packed in bales as set forth herein. Accordingly, it is proposed that 7 CFR Part 1464 be revised by amending subsections 1464.2(e)(5) and 1464.7(a)(5) to read as follows:

§ 1464.2 Availability of price support.

* * * * *

(e) * * *

(5) For 1979 crop burley tobacco, eligible producers may obtain price support on tied and untied burley tobacco packed in bales and offered for auction sale, subject to the following conditions:

(i) Applications for price support on baled tobacco: From September 4 through September 28, 1979, a producer who desires to market part of his/her burley tobacco in bales may request price support on such tobacco by filing an application with the local County ASC Committee. At the time of filing the application for price support on baled tobacco, the producer shall certify that all bales delivered for price support will meet the following specifications and conditions:

(A) The quality and condition of the tobacco contained in each bale offered for marketing as a single lot will be representative of the quality and condition of the tobacco contained in all other bales of the same lot.

(B) The tobacco in each bale will be stalk-cured.

(C) The bales will not contain foreign matter or material.

(D) The bales will not be nested, and

(E) Any and all procedures and certifications which are normally required by law or regulation pertaining to burley production and marketing will be met and the applicable eligibility requirements for price support will also be met.

(ii) Limitation on quantity of tobacco which may be marketed in bales with price support: The maximum quantity of burley tobacco produced on a farm which a producer may market in bales with price support shall be 110 percent of the quantity approved for the farm by the County ASC Committee. A producer may make application for price support on any quantity of tobacco not in excess of the effective farm poundage quota. Approval of the quantity for price support shall be determined as follows:

(A) If the effective farm poundage quota is 1,500 pounds or less, the entire amount of tobacco specified in the application shall be approved.

(B) If the effective farm poundage quota is more than 1,500 pounds, the amount approved shall be the larger of 1,500 pounds or 25 percent of the effective farm poundage quota but not to exceed the quantity requested.

(C) Notwithstanding paragraph (e)(5)(ii)(B) of this section, if the total quantity approved in paragraphs (e)(5)(ii) (A) and (B) of this section for all farms in a State is less than 25 percent of the total effective farm poundage quota for all farms in the State, the amount approved for each farm in paragraph (e)(5)(ii)(B) of this section shall be increased by the lesser of the difference between the amount requested and the amount approved or an amount determined by subtracting the sum of the amounts approved in paragraph (e)(5)(ii) (A) and (B) from the total quantity requested on all applications, dividing the results into the amount determined by subtracting the amounts approved in paragraphs (e)(5)(ii) (A) and (B) of this section from 25 percent of the total effective farm poundage quota for all farms in the State to obtain a four place factor and multiplying the factor by the difference between the quantity requested and the amount approved for the farm in paragraph (e)(5)(ii)(B) of this section.

(iii) Price support will be available on baled tobacco at auction sales during the same period and during the normal course of business that price support is offered on burley tobacco tied in hands in the traditional manner.

(iv) Identification cards for tobacco approved for marketing in bales with price support: A Baled Burley Tobacco Identification card showing 110 percent of the pounds of baled tobacco approved for marketing with price support shall be issued for each farm for which approval is given. The identification card together with the 1979 burley tobacco marketing card shall be used to identify any baled tobacco for which price support is desired. Separate sale bills marked "Baled Burley" shall be prepared by the warehouse to identify sales of baled burley tobacco. In addition the warehouse shall mark "No Price Support" on the basket ticket and on a sale bill for any baled tobacco not identified by an identification card. A separate basket ticket and sale bill marked "No Price Support" shall be prepared for that quantity of baled tobacco weighed in that is in excess of the balance of the pounds shown on the identification card.

(v) Specification of bales:

(A) Bales accepted for price support must be approximately 1 x 2 x 3 feet in size.

(B) The leaves in bales accepted for price support must be untied and oriented.

(vi) Grade loan rates for tobacco delivered for price support: The grade loan rates for baled burley tobacco will be the same as the grade loan rates to be established for 1979-crop burley tobacco tied in hands in the traditional manner.

* * * * *

§ 1464.7 Eligible producers.

(a) * * *

(5) The producer has complied with any certification he/she may have executed with respect to any baled 1979 crop burley tobacco delivered for price support.

* * * * *

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

All written submissions 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 S.W., Washington, D.C. 20013.

Executive Order 12044 (43 FR 12661, March 24, 1978) and Secretary's Memorandum No. 1955 require at least a 60-day public comment period on any proposed regulation except where the

Agency determines this is not possible. Because burley tobacco producers need to know as soon as possible whether price support will be available on a limited amount of 1979-crop burley tobacco so they can make plans on how they wish to market their tobacco, it is hereby found and determined that compliance within the 60-day comment period required by Executive Order 12044 is impossible. Accordingly, comments must be received by August 10, 1979 in order to be assured of consideration.

Note.—A Draft Impact Analysis is available from Thomas A. VonGarlem, Price Support and Loan Division, Room 3741—South Building, P.O. Box 2415, Washington, D.C. 20250.

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

Signed at Washington, D.C. on July 6, 1979.

Jim Williams,

Acting Secretary of Agriculture.

[FR Doc. 79-21343 Filed 7-10-79; 8:45 am]

BILLING CODE 3410-05-M

federal register

Wednesday
July 11, 1979

Part IV

**Department of
Health, Education,
and Welfare**

Office of Education

**Capacity Building for Statistical Activities
in State Educational Agencies**

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Education Division

45 CFR Part 164

**Capacity-Building for Statistical
Activities in State Educational
Agencies**

AGENCY: National Center for Education Statistics.

ACTION: Interim final regulation.

SUMMARY: The Administrator of the National Center for Education Statistics issues an interim final regulation governing the award of discretionary grants to build the statistical capabilities of State educational agencies. The regulation states eligibility conditions, application requirements, funding criteria, and other rules for the administration of the program.

DATES: Effective date: This regulation is expected to take effect 45 days after it is transmitted to Congress. (Regulations are transmitted to Congress three to four days before they are published in the Federal Register.) However, this date is changed by statute if Congress disapproves the regulation or takes certain types of adjournments. If you want to know the exact effective date of this regulation, call or write the National Center for Education Statistics' contact person.

Comment date: Public comments are invited and will be considered for purposes of possible changes in the regulation for Fiscal Year 1980 and subsequent years. Comments must be received on or before September 10, 1979.

ADDRESSES: Comments should be addressed to Dr. Mary Golladay, National Center for Education Statistics, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Donna C. Mertens, National Center for Education Statistics, 400 Maryland Avenue, S.W., Room 3061, Washington, D.C. 20202, (202) 245-7813.

SUPPLEMENTARY INFORMATION: 1. *Nature of Program.* Section 406(b)(3) of the General Education Provisions Act as amended directs the National Center for Education Statistics to assist State and local educational agencies, including State agencies responsible for postsecondary education, in improving and automating their statistical and data collection activities. This document governs the award of discretionary grants to build the statistical capabilities

of State educational agencies. Grants under the program are intended to develop or enhance the long-term capability of the State educational agency to collect, process, analyze, or report statistical data about education. Grants may focus on a reduction of data burden; improvement in the timeliness of data reporting; improvement in the quality, comparability, or utility of data; increase in analytical capability; improvement in the flow of information to local educational agencies, institutions of higher education, or other agencies of the State; or similar statistical objectives.

The National Center for Education Statistics is limiting eligibility for grants to State educational agencies because they are in a unique position to collect, process, analyze, and report statistical data about education within their States. This limitation minimizes the possibility of fragmented systems being developed within a State, and maximizes the potential for improved utilization of data at the State level for planning and decision making. The limited amount of funds available for the program is another reason for limiting eligibility for grants to State educational agencies.

However, the regulations define State educational agencies to include State agencies responsible for vocational education and State agencies responsible for postsecondary education as well as State agencies responsible for elementary/secondary education. The postsecondary sector is being included because the law has expanded the Center's assistance mandate to include these agencies. As a policy matter the Center wants to include State agencies responsible for Vocational education because the Center is mandated to develop a national vocational education data reporting and accounting system.

The Administrator of the National Center for Education Statistics has allocated \$1,600,000 for the support of this program in Fiscal Year 1979. Of this amount, \$1,000,000 will support grants to improve vocational educational data systems, \$300,000 will go to State agencies responsible for elementary/secondary education, and \$300,000 will go to State agencies responsible for postsecondary education. It is anticipated that only about thirty-two (32) grants will be awarded in Fiscal Year 1979.

2. *Need for Regulation.* Certain rules are needed for the proper administration of a Federal grant program. These rules relate to such matters as the types of agencies eligible to apply for a grant, the types of assistance available, the information which must be put in

applications, and the criteria used to judge applications. Applicants must know this information to determine whether to apply and how to submit applications. Federal law requires that these rules be published in the Federal Register (5 U.S.C. 552).

3. *Waiver of Proposed Rulemaking.* Procedures of this Department provide for public participation in the development of program regulations through the methods set forth in section 553, Title 5, United States Code. However, these interim regulations apply only for Fiscal Year 1979 and an opportunity for public comment is being provided only for purposes of possible future changes in the document beginning in Fiscal Year 1980. The document is being issued as an interim final rule to govern Fiscal Year 1979 grants based upon the Administrator's and Assistant Secretary for Education's finding, in accordance with 5 U.S.C. 553(b)(3)(B), that opportunity for advance public comment on these provisions would be impracticable and contrary to the public interest given the need to publish a final rule at this time.

Under section 431(d) of the General Education Provisions Act, a regulation cannot take effect until forty-five days after the final regulation has been transmitted for congressional review. Therefore, if a proposed regulation were issued at this time for the program, it would have to be followed by a thirty-day comment period, an additional period for having the final regulation prepared and cleared within the Department of Health, Education, and Welfare, and then the forty-five day congressional review period before grant awards could be made, if the awards were to be made on the basis of the regulation. Funds appropriated to the National Center for Education Statistics in Fiscal Year 1979 for this program must be awarded no later than September 30, 1979. It does not appear that there will be sufficient time to do this on the basis of an effective regulation if the proposed rulemaking procedure is followed.

Also, if a proposed regulation with opportunity for public comment were issued, it would be necessary to invite applications on the basis of the proposed regulation in order to permit awards by the end of Fiscal Year 1979. It then would be impracticable to make substantive changes in the final regulation, because the applications would have been received, and time would not permit their amendment to reflect changes in the regulation.

This document governs the award of a small amount of money and does not

regulate controversial policy issues. It has been developed in close consultation with the State educational agencies. Only one comment was received during last year's comment period, and it was favorable. This rule is basically the same as last year's interim final regulation except that vocational education and postsecondary education have been added and conforming changes made.

For the above reasons, the opportunity for public comments on a proposed rule for Fiscal Year 1979 is impracticable and contrary to the public interest. This opportunity is provided for purposes of possible changes to the document beginning in Fiscal year 1980.

Part 164 of Title 45 of the Code of Federal Regulations is revised to read as set forth below.

Dated: May 10, 1979.

Victor D. Wenk,

Deputy Administrator, National Center for Education Statistics.

Approved: May 15, 1979.

Mary F. Berry

Assistant Secretary for Education.

Approved June 30, 1979.

Hale Champion,

Acting Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Number 13.922—Capacity-Building for Statistical Activities in State Educational Agencies)

PART 164—CAPACITY-BUILDING FOR STATISTICAL ACTIVITIES IN STATE EDUCATIONAL AGENCIES

Sec.

- 164.01 Scope of this document.
- 164.02 Purpose of the Capacity-Building Program.
- 164.03 Definitions.
- 164.04 Nature of projects.
- 164.05 Allowable costs.
- 164.06 Duration of projects.
- 164.07 Eligibility.
- 164.08 Application requirements.
- 164.09 How applications are judged.
- 164.10 Evaluation criteria.

Authority: Section 406 (b)(3) and (e) of the General Education Provision Act (20 U.S.C. 1221-1 (b)(3) & (e)).

§ 164.01 Scope of this document.

(a) This document establishes procedural and substantive requirements and criteria governing applications and grants under the Capacity-Building Program of the National Center for Education Statistics.

(b) The provisions of Parts 100, 100a, and 100c of Title 45 CFR apply to fiscal and administrative matters pertaining to grants. For the purposes of this

document, wherever the term "Commissioner" is used in these parts, it shall be read to mean "Administrator."

§ 164.02 Purpose of the Capacity-Building Program.

The purpose of this program is to build the statistical capabilities of State educational agencies by facilitating improvements or automation in their statistical systems.

§ 164.03 Definitions.

The following definitions apply to terms used in this document: "Administrator" means the Administrator of the National Center for Education Statistics.

"Capacity-Building" means developing or improving long-term capabilities or competencies.

"State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and the Canal Zone.

"State educational agency" means: (a) The State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools or if there is no such officer or agency, an officer or agency designated by the Governor or by State law;

(b) A State agency listed in the Appendix to these regulations with statewide responsibility for postsecondary education or, if there is no such agency, an officer or agency designated by the Governor or by State law; or

(c) The State board or agency designated or established as the sole State agency responsible for the administration, or for the supervision of the administration, of programs authorized by Part A, Title I of the Vocational Education Act of 1963, as amended by Pub. Law 94-482.

"Statistical activities" means activities concerned with collecting, processing, analyzing, or reporting statistical data about education.

§ 164.04 Nature of projects.

(a) A State educational agency may apply for a grant under this program to develop or enhance its long-term capability to collect, process, analyze, or report statistical data about elementary/secondary, postsecondary, or vocational education.

(b) The grant may focus on a reduction of data burden; improvement in the timeliness of data reporting;

improvement in the quality, comparability, or utility of data; increase in analytical capability; improvement in the flow of information to local educational agencies or other agencies of the State; or similar statistical objectives.

(c) Grant activities may include but are not limited to planning, training, consultant services, staff development, or activities which will promote automation.

§ 164.05 Allowable costs.

(a) Determination of costs allowable under a grant are made in accordance with government-wide cost principles in Appendix B of 45 CFR Part 100a.

(b) Funds awarded under this document must be used to supplement, and in no case supplant, the level of funds that would, in the absence of a grant, be made available by the State educational agency for statistical activities.

(c) No capital outlay is allowable for lands or buildings.

§ 164.06 Duration of projects.

Grants normally will be of twelve months' duration. The grantee may use grant funds during the period specified in the grant document unless the grant is suspended or terminated. If the grantee needs additional time to complete the grant project, the grantee may apply for an extension of the grant period without additional funds. The Administrator may approve this extension at his or her discretion.

§ 164.07 Eligibility.

(a) Only a State educational agency is eligible for a grant.

(b) The Administrator initially reserves funds to award grants under each of the categories of "State educational agency" defined in § 164.03. The Administrator invites applications for each of these categories in a separate notice of closing date.

(c) A State educational agency may submit only one application under each notice of closing date.

(d) The Administrator only considers applications submitted in response to specific notices of closing date.

§ 164.08 Application requirements.

To apply for a grant, a State educational agency shall submit the designated application form containing whatever information the Administrator may require.

§ 164.09 How applications are judged.

Competitive applications are rated and ranked by an evaluation panel under the criteria stated in § 164.10.

Applications generally compete only against other applications submitted under the same notice of closing date. If, in the Administrator's view, the information in the application is not adequate to permit an informed evaluation of the application, the Administrator may request the applicant to supply additional information. Final determinations on awards are made by the Administrator.

§ 164.10 Evaluation criteria.

The Administrator evaluates an application for assistance under this document in accordance with the following criteria (potential points=100):

(a) (0-40 points) The significance of the project in improving the long-term statistical capability of the State educational agency, as measured by a reduction of data burden; improvement in the timeliness of data reporting; improvement in the quality, comparability, or utility of data; increase in analytical capability; improvement in the flow of information to local educational agencies, institutions of higher education, or other agencies of the State; or similar statistical objectives.

(b) (0-20 points) The adequacy of the proposal, as indicated by the following factors:

(1) (0-15 points) The quality and explicitness of the work plan in identifying activities, tasks, procedures, and coordination efforts (if applicable).

(2) (0-5 points) The soundness of the management plan, which includes such items as the time schedule and projections of quarterly milestones.

(c) (0-30 points) The capability of the State educational agency to perform the proposed activities, as indicated by the following factors:

(1) (0-15 points) The qualifications of the proposed project staff (or the quality of provisions for contractor services) with respect to training and relevant experience, and the amount of time they will devote to the project.

(2) (0-15 points) The adequacy of the State educational agency's commitment and arrangements made to ensure the long-term effect of the proposed activities after the expiration of Federal funds.

(d) (0-10 points) The reasonableness of the budget for the work to be done.

[Editorial Note.—The following appendix will not appear in the Code of Federal Regulations]

Appendix—Eligible Agencies With Statewide Responsibility for Postsecondary Education

Alabama

Alabama Commission on Higher Education,
One Court Square, Suite 221, Montgomery,
Alabama 36104

Alaska

Alaska Commission on Postsecondary
Education, Pouch F, State Office Building,
Juneau, Alaska 99811

Arizona

Arizona Commission for Postsecondary
Education, 1650 W. Alameda Drive, Suite
115, Tempe, Arizona 85282

State Board of Regents, 1535 West Jefferson,
Phoenix, Arizona 85007

Arizona State Board of Directors of
Community Colleges, 1535 West Jefferson,
Room 123, Phoenix, Arizona 85007

Arkansas

Department of Higher Education, 1301 West
7th Street, Little Rock, Arkansas

California

California Postsecondary Education
Commission, 1020 12th Street, Sacramento,
California 95814

Colorado

Commission on Higher Education, 1550
Lincoln Street, #210, Denver, Colorado
80203

Connecticut

Board of Higher Education, P.O. Box 1320, 340
Capital Avenue, Hartford, Connecticut
06101

Delaware

Delaware Postsecondary Education
Commission, 800 Delaware Avenue, Suite
703, Wilmington, Delaware 19801

District of Columbia

District of Columbia Commission on
Postsecondary Education, 1329 E Street,
N.W., Suite 1023, Washington, D.C. 20004

Florida

Florida Department of Education, W. V. Knott
Building, Tallahassee, Florida 32304

Georgia

Board of Regents of the University System,
244 Washington Street, S.W., Atlanta,
Georgia 30334

Hawaii

Hawaii State Postsecondary Education
Commission, 2444 Dole Street, Room 207,
Honolulu, Hawaii 96822

Idaho

State Board of Education, Len B. Jordan
Building, 650 West State Street, Room 307,
Boise, Idaho 83702

Illinois

Illinois Board of Higher Education, 500 Reisch
Building, 4 West Old Capitol Square,
Springfield, Illinois 62701

Indiana

Indiana Commission for Higher Education,
143 West Market Street, Suite 400,
Indianapolis, Indiana 46204

Iowa

Higher Education Facilities Commission, 201
Jewett Building, 914 Grand Avenue, Des
Moines, Iowa 50309

Board of Regents, Grimes State Office
Building, Des Moines, Iowa 50319

Area Schools and Career Education Branch,
Department of Public Instruction, Grimes
State Office Building, Room 203, Des
Moines, Iowa 50319

Kansas

Legislative Educational Planning Committee,
State House, Fifth Floor, Topeka, Kansas
66612

Board of Regents, Merchants National Bank
Tower, 800 Jackson, #1416, Topeka, Kansas
66612

Community-Junior Colleges, State
Department of Education, 120 East Tenth
Street, Topeka, Kansas 66612

Kentucky

Council on Higher Education, West Frankfort
Office Complex, U.S. Route 127 South,
Frankfort, Kentucky 40601

Louisiana

State Board of Regents, One American Place,
Suite 1530, Baton Rouge, Louisiana 70804

Maine

State Board of Education, State Department
of Education and Cultural Services, State
Department of Education Building,
Augusta, Maine 04333

University of Maine, 107 Maine Avenue,
Bangor, Maine 04401

Maryland

State Board of Higher Education, 16 Francis
Street, Jeffrey Building, Annapolis,
Maryland 21401

Massachusetts

Board of Higher Education, Park Square
Building, Room 632, 31 Saint James Avenue,
Boston, Massachusetts 02116

Michigan

State Board of Education, P.O. Box 30008,
Lansing, Michigan 48909

Minnesota

Minnesota Higher Education Coordinating
Board, Capitol Square Building, Suite 400,
550 Cedar Street, Saint Paul, Minnesota
55101

Mississippi

Postsecondary Education Planning Board,
Universities Center, Suite 116, 1855
Eastover Drive, Jackson, Mississippi 39211
Board of Trustees of State Institutions of
Higher Learning, P.O. Box 2336, Jackson,
Mississippi 39205

Division of Junior Colleges, State Department
of Education, P.O. Box 771, Jackson,
Mississippi 39205

Missouri

Department of Higher Education, 600 Clark Avenue, Jefferson City, Missouri 65101

Montana

Board of Regents of Higher Education, 33 Last Chance Gulch, Helena, Montana 59601

Nebraska

Nebraska Coordinating Commission for Postsecondary Education, 301 Centennial Mall South, P.O. Box 95005, Lincoln, Nebraska 68509

Nevada

Nevada Higher Education Commission, University of Nevada System, 405 Marsh Avenue, Reno, Nevada 89502

New Hampshire

New Hampshire Postsecondary Education Commission, 66 South Street, Concord, New Hampshire 03301

New Jersey

State Department of Higher Education, 225 West State Street, Trenton, New Jersey 08625

New Mexico

Board of Educational Finance, Legislative—Executive Building Suite 201, Santa Fe, New Mexico 87503

New York

Regents of the University of the State of New York, The State Education Department, Albany, New York 12234

North Carolina

University of North Carolina, P.O. Box 6888, Chapel Hill, North Carolina 27514
State Department of Community Colleges, State Board of Education, 194 Education Building, Raleigh, North Carolina 27611

North Dakota

Board of Higher Education, State Capitol Building, Bismarck, North Dakota 58501

Ohio

Ohio Board of Regents, 30 East Broad Street, 36th Floor, Columbus, Ohio 43215

Oklahoma

Oklahoma State Regents for Higher Education, 500 Education Building, State Capitol Complex, Oklahoma City, Oklahoma 73105

Oregon

Oregon Educational Coordinating Commission, 495 State Street, Salem, Oregon 97310

Pennsylvania

Pennsylvania Department of Education, P.O. Box 911, Harrisburg, Pennsylvania 17126

Rhode Island

Department of Education, 199 Promenade Street, Providence, Rhode Island 02908

South Carolina

South Carolina Commission on Higher Education, Rutledge Building, Room 1104,

1429 Senate Street, Columbia, South Carolina 29201

South Dakota

Education and Cultural Affairs Planning Commission, South Dakota Department of Education and Cultural Affairs, Office of the Secretary, Pierre, South Dakota 57501
Board of Regents, State Office Building #3, Pierre, South Dakota 57501

Tennessee

Tennessee Higher Education Commission, 501 Union Building, #300, Nashville, Tennessee 37219

Texas

Coordinating Board, Texas College and University System, P.O. Box 12788, Capitol Station, Austin, Texas 78711

Utah

Utah State Board of Regents, 807 East South Temple Street, Suite 204, Salt Lake City, Utah 84102

Vermont

Vermont Higher Education Planning Commission, c/o Budget and Management Department, Pavilion Building, 5th Floor, 109 State Street, Montpelier, Vermont 05602

Virginia

State Council of Higher Education for Virginia, 700 Fidelity Building, 9th and Main Streets, Richmond, Virginia 23219

Washington

Council for Postsecondary Education, 908 East Fifth Street, Olympia, Washington 98504

West Virginia

West Virginia Board of Regents, 950 Kanawha Boulevard, East, Charleston, West Virginia 25301

Wisconsin

University of Wisconsin, 1700 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706
Board of Vocational-Technical and Adult Education, 4802 Sheboygan Avenue, 7th Floor, Madison, Wisconsin 53702

Wyoming

University of Wyoming, P.O. Box 3334, University Station, Laramie, Wyoming 82071
Community College Commission, Boyd Building, 5th Floor, 1720 Carey Avenue, Cheyenne, Wyoming 82002

American Samoa

Board of Higher Education, c/o American Samoa Community College, P.O. Box 2609, Pago Pago, American Samoa 96799

Guam

Postsecondary Education Commission, Board of Regents, University of Guam, Post Office Box E K, Agana, Guam 96910

Puerto Rico

Commonwealth Postsecondary Education Commission, University of Puerto Rico Station, Box F, San Juan, Puerto Rico 00931

Trust Territory of the Pacific Islands

Micronesia Board of Education, Department of Education, Office of the High Commissioner, Saipan, Mariana Islands 96950

Virgin Islands

Virgin Islands Commission on Postsecondary Education, c/o College of the Virgin Islands, Saint Thomas, Virgin Islands 00801
[FR Doc. 79-21433 Filed 7-10-79; 8:45 am]

BILLING CODE 4110-89-M

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Education Division

**Capacity Building for Statistical
Activities; Closing Date for Transmittal
of Fiscal Year 1979 Applications; State
Educational Agencies Responsible for
Elementary and Secondary Education**

Applications are invited for new awards under the National Center for Education Statistics' Capacity-Building Program for Statistical Activities in State Educational Agencies.

Authority for this program is contained in section 406(b)(3) of the General Educational Provisions Act as amended (20 U.S.C. 1221-1 (b)(3) and (e)).

Eligible applicants are State educational agencies as defined in section 164.03(a) of the regulations:

"(a) The State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools or if there is no such agency, an officer or agency designated by the Governor or by State law."

This is referred to as Category (a) and applicants are requested to designate this on their application.

The purpose of these grants is to develop or enhance the long-term capability of the State educational agency to collect, process, analyze, or report statistical data about elementary/secondary education.

Closing date for transmittal of applications: Applications must be mailed or hand delivered by August 16, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.922(A), Washington, D.C. 20202.

The Administrator of the National Center for Education Statistics prefers as proof of timely mailing a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Applicants are encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered in the current competition.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8 a.m. and 4 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal Holidays. Applications that are hand delivered will not be accepted after 4 p.m. on the closing date.

Program information: Grants under the program are intended to develop or enhance the long-term capability of the State educational agency to collect, process, analyze or report statistical data about education. Grants may focus on a reduction of data burden; improvement in the timeliness of data reporting; improvement in the quality, comparability, or utility of data; increase in analytical capability; improvement in the flow of information to local educational agencies or other agencies of the State; or similar statistical objectives.

Available funds: Approximately \$300,000 is available for six (6) new projects in Fiscal Year 1979 with an expected average amount of \$50,000 for the awards.

These figures are only estimates and do not bind the National Center for Education Statistics.

Application forms: Application forms and instructions are mailed to all eligible agencies when the Notice of Closing Date is published in the **Federal Register**.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program application package.

Applicable regulations: The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulation for Capacity Building for Statistical Activities in State Educational Agencies published in this issue of the **Federal Register**. The Capacity Building regulation will be included in the application package.

Further information: For further information contact Donna Mertens, Federal/State Coordination Branch, National Center for Education Statistics, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone (202) 245-7813.

(20 U.S.C. 1221-1 (b)(3) and (e))
(Catalog of Federal Domestic Assistance Number 13.922; Capacity Building for Statistical Activities in State Educational Agencies)

Dated: July 6, 1979.

Marie D. Eldridge,

Administrator, National Center for Education Statistics.

[FR Doc. 79-21434 Filed 7-10-79; 8:45 am]

BILLING CODE 4110-89-M

**Capacity Building for Statistical
Activities; Closing Date for Transmittal
of Fiscal Year 1979 Applications; State
Educational Agencies Responsible for
Postsecondary Education**

Applications are invited for new awards under the National Center for Education Statistics' Capacity-Building Program for Statistical Activities in State Educational Agencies.

Authority for this program is contained in section 406(b)(3) of the General Educational Provisions Act as amended (20 U.S.C. 1221-1(b)(3) and (e)).

Eligible applicants are State educational agencies as defined in § 164.03(b) of the regulations:

"(b) A State agency listed in the Appendix to these regulations with statewide responsibility for postsecondary education or if there is no such agency, an officer or agency designated by the Governor or by State law."

This is referred to as Category (b) and applicants are requested to designate this on their application.

The purpose of these grants is to develop or enhance the long-term capability of the State educational agency to collect, process, analyze, or report statistical data about elementary/secondary education.

Closing date for transmittal of applications: Applications must be mailed or hand delivered by August 16, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.922(B), Washington, D.C. 20202.

The Administrator of the National Center for Education Statistics prefers as proof of timely mailing a legible U.S. Postal Service dated postmarked or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Applicants are encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered in the current competition.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8 a.m. and 4 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal Holidays. Applications that are hand delivered will not be accepted after 4 p.m. on the closing date.

Program information: Grants under the program are intended to develop or enhance the long-term capability of the State educational agency to collect, process, analyze or report statistical data about education. Grants may focus on a reduction of data burden; improvement in the timeliness of data reporting; improvement in the quality, comparability, or utility of data; increase in analytical capability; improvement in the flow of information to institutions of higher education or other agencies of the State; or similar statistical objectives.

Available funds: Approximately \$300,000 is available for six (6) new projects in Fiscal Year 1979 with an expected average amount of \$50,000 for the awards.

These figures are only estimates and do not bind the National Center for Education Statistics.

Application forms: Application forms and instructions are mailed to all eligible agencies when the Notice of Closing Date is published in the **Federal Register**.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program application package.

Applicable regulations: The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulation for Capacity Building for Statistical Activities in State Educational Agencies published in this issue of the **Federal Register**. The Capacity Building regulation will be included in the application package.

Further information: For further information contact Arthur Podolsky,

University and College Surveys,
National Center for Education Statistics,
400 Maryland Avenue, S.W.,
Washington, D.C. 20202, Telephone (202)
245-8392.

(20 U.S.C. 1221-1(b)(3) and (e))
(Catalog of Federal Domestic Assistance
Number 13.922; Capacity Building for
Statistical Activities in State Educational
Agencies)

Dated: July 6, 1979.

Marie D. Eldridge,

Administrator, National Center for Education
Statistics.

[FR Doc. 79-21435 Filed 7-10-79; 8:45 am]

BILLING CODE 4110-89-M

Capacity Building for Statistical Activities; Closing Date for Transmittal of Fiscal Year 1979 Applications; State Educational Agencies Responsible for Vocational Education

Applications are invited for new awards under the National Center for Education Statistics' Capacity-Building Program for Statistical Activities in State Educational Agencies.

Authority for this program is contained in section 406(b)(3) of the General Education Provisions Act as amended (20 U.S.C. 1221-1(b) (3) and (e)).

Eligible applicants are State educational agencies as defined in § 164.03(c) of the regulations:

"(c) The State Board or agency designated or established as the sole State agency responsible for the administration, or for the supervision of the administration, of programs authorized by Part A, Title I of the Vocational Education Act of 1963, as amended by Pub. L. 94-482."

This is referred to as Category (c) and applicants are requested to designate this on their application.

The purpose of these grants is to develop or enhance the long-term capability of the State educational agency to collect, process, analyze, or report statistical data about elementary/secondary education.

Closing date for transmittal of applications: Applications must be mailed or hand delivered by August 16, 1979.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.922(C), Washington, D.C. 20202.

The Administrator of the National Center for Education Statistics prefers as proof of timely mailing a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of

mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Applicants are encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered in the current competition.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8 a.m. and 4 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal Holidays. Applications that are hand delivered will not be accepted after 4 p.m. on the closing date.

Program information: Grants under the program are intended to develop or enhance the long-term capability of the State educational agency to collect, process, analyze or report statistical data about education. Grants may focus on a reduction of data burden; improvement in the timeliness of data reporting; improvement in the quality, comparability, or utility of data; increase in analytical capability; improvement in the flow of information to local educational agencies, institutions of higher education, or other agencies of the State; or similar statistical objectives.

Available funds: Approximately \$1,000,000 is available for twenty (20) new projects in Fiscal Year 1979 with an expected average amount of \$50,000 for the awards.

These figures are only estimates and do not bind the National Center for Education Statistics.

Application forms: Application forms and instructions are mailed to all eligible agencies when the Notice of Closing Date is published in the **Federal Register**.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program application package.

Applicable regulations: The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulation for Capacity

Building for Statistical Activities in State Educational Agencies published in this issue of the **Federal Register**. The Capacity Building regulation will be included in the application package.

Further information: For further information contact Donna Mertens, Federal/State Coordination Branch, National Center for Education Statistics, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone (202) 245-7813.

(20 U.S.C. 1221-1(b) (3) and (e)).

(Catalog of Federal Domestic Assistance Number 13.922: Capacity Building for Statistical Activities in State Educational Agencies)

Dated: July 6, 1979.

Marie D. Eldridge,

Administrator, National Center for Education Statistics.

[FR Doc. 79-21436 Filed 7-10-79; 8:45 am]

BILLING CODE 4110-89-M

federal register

Wednesday
July 11, 1979

Part V

**Department of
Energy**

Economic Regulatory Administration

**Motor Gasoline Allocation Base
Period and Adjustments; Intent to Issue
Final Rule**

Part V

Department of
Energy

Executive Director, Department of Energy
1000 Pennsylvania Avenue, N.W.
Washington, D.C. 20540
Tel: 202-585-5000

U.S. GOVERNMENT PRINTING OFFICE
1980 O-200-000

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 211]

[Docket No. ERA-R-79-23 *et al.*]

Motor Gasoline Allocation Base Period and Adjustments

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Intent to Issue a Final Rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) intends to adopt on July 15 final rules amending the mandatory allocation regulations for gasoline in the following respects:

(1) The base period for gasoline allocation will be established as November 1977 through October 1978 (44 FR 26712; 38435, May 4, 1979; June 29, 1979).

(2) The rules regarding the size of allocations to new gasoline retail sales outlets will be changed to limit assigned volumes to either the typical sales volume for outlets of the same type or the average sales volume for all retail outlets nationally during the base period year, whichever is less. The rule will apply to all new outlets for which no assigned base period volume had been made by July 6, 1979 and in which an investment in the capital costs of the outlet (excluding real estate) has not exceeded 25 percent of total capital costs on July 6, 1979. All other new outlets will be covered by the existing rule.

DOE has determined not to adopt the proposal made by some commenters in the rulemaking that purchasers be allowed to choose between their 1972 adjusted or November 1977-October 1978 base period volumes, whichever is larger. Such an adjustment would have the effect of reducing allocation fractions of all suppliers and reducing total available supplies to the substantial number of marketers of gasoline who have increased their sales volumes since 1972. The effect of such a rule would in general be to shift gasoline supplies away from geographical regions that have experienced substantial growth and to areas that have not experienced such growth, thus exacerbating the present shortages in high growth areas. The reasons for this decision will be described in further detail in the notice to be issued on July 15.

Prior to July 15, DOE will further review the comments received in the rulemaking and will make such additional changes as the information presented in the comments warrant.

FOR FURTHER INFORMATION CONTACT:

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

William Caldwell (Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street, N.W., Washington, D.C. 20461 (202) 254-8034.

Alan T. Lockard (Office of Fuels Regulation), Economic Regulatory Administration, Room 6222, 2000 M Street, N.W., Washington, D.C. 20461 (202) 254-7422.

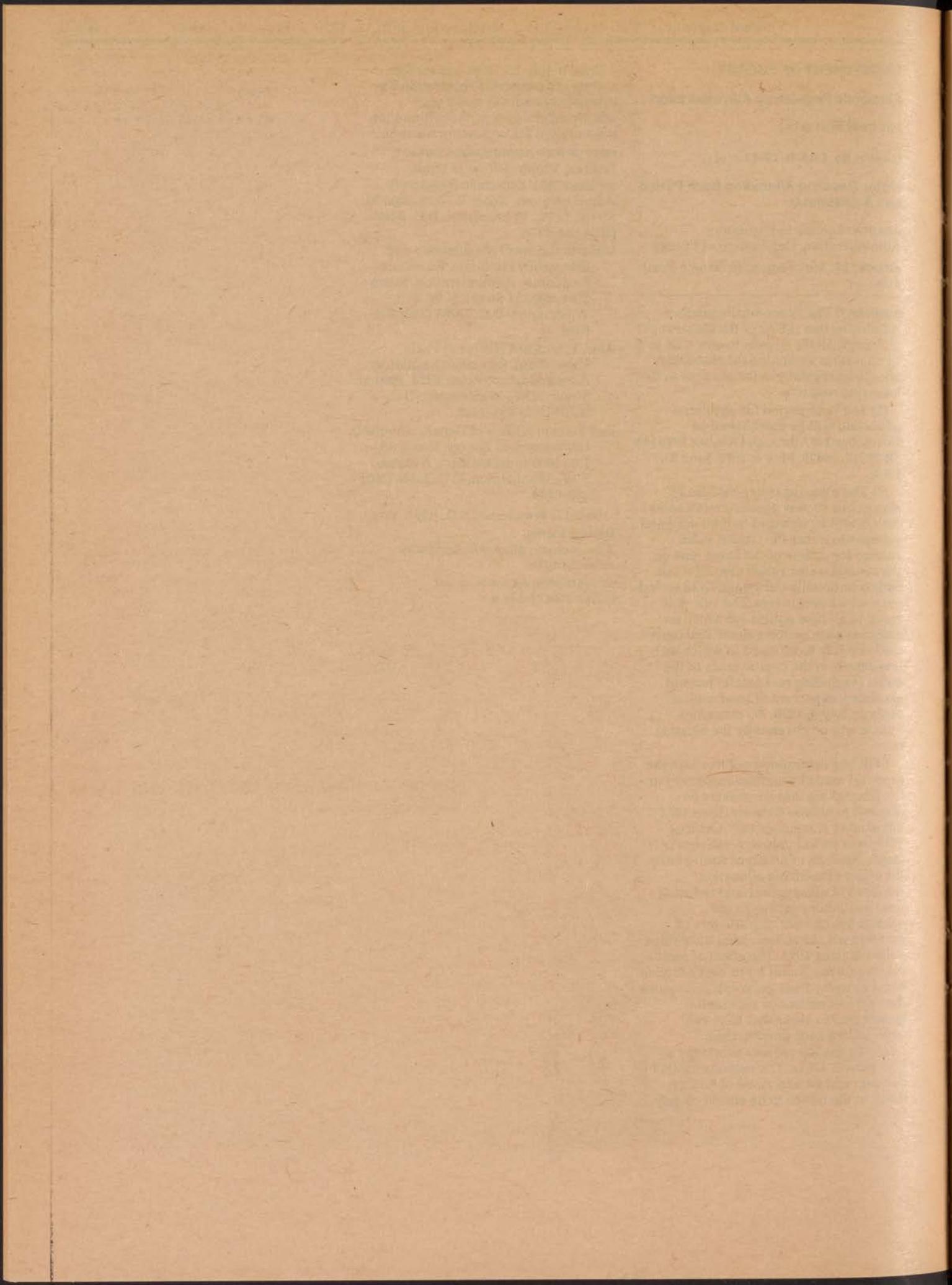
Joel Yudson (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6744.

Issued in Washington, D.C., July 6, 1979.

David J. Bardin,
Administrator, Economic Regulatory Administration.

[FR Doc. 79-21575 Filed 7-10-79; 9:30 am]

BILLING CODE 6450-01-M



federal register

Wednesday
July 11, 1979

Part VI

**Office of
Management and
Budget**

**Audit Requirements for State and Local
Governments**

OFFICE OF MANAGEMENT AND BUDGET

Audit Requirements for State and Local Governments

This notice offers interested parties an opportunity to comment on a proposed revision to Circular A-102, "Uniform Administrative Requirements For Grants-In-Aid to State and Local Governments." The revision would expand and clarify the rules governing audits of federally assisted programs.

At the present time, Circular A-102 provides, in Attachment G, that grantee financial management systems shall provide for audits at least once every two years. Our objective in establishing the proposed requirements is to insure that (1) grantee audits are made on an organization-wide basis, rather than on a grant-by-grant basis, and (2) such audits meet standards that will be acceptable to all Federal grantor agencies.

The specific changes being considered are set forth below. Comments should be submitted in duplicate to the Financial Management Branch, Budget Review Division, Office of Management and Budget, Washington, D.C. 20503. All comments should be received within 60 days of date of this publication. Contact person: John J. Lordan (202) 395-6823.

Velma N. Baldwin,

Assistant to the Director for Administration.

Circular A-102; Attachment P; Audit Requirements for State and Local Governments

1. This attachment establishes audit requirements for State and local governments receiving Federal assistance. It provides for independent audits of financial operations, including compliance with certain provisions of Federal law and regulation. The requirements are established to insure that audits are made on an organization-wide basis, rather than on a grant-by-grant basis. Such audits are to determine (a) whether financial operations are properly conducted, (b) whether the financial reports are presented fairly, (c) whether the organization has complied with laws and regulations concerning the expenditure of Federal funds, and (d) whether internal procedures have been established to meet the objectives of federally assisted programs. Except where specifically required by Federal law no additional requirements for audit will be imposed on State and local governments unless approved by the Office of Management and Budget.

2. Definition "Recipient organization" means a State department, a local government, or a subdivision of such entities, that receives Federal assistance. It does not include State and local institutions of higher education or hospitals, which are covered by OMB Circular A-110.

3. State and local governments may use their own procedures to arrange for independent audits, and to prescribe the scope of audits, provided the audits comply with the requirements set forth below. The provisions of this attachment do not limit the authority of Federal agencies to make audits of recipient organizations. However, if independent audits arranged for by State and local governments meet the requirements prescribed below, all Federal agencies shall rely on them, and any additional audit work should build upon the work already done.

4. Audits shall be made in accordance with the General Accounting Office *Standards for Audit of Governmental Organizations, Programs, Activities & Functions*, the *Guidelines for Financial and Compliance Audits of Federally Assisted Programs*, any compliance supplements approved by OMB, and generally accepted auditing standards established by the American Institute of Certified Public Accountants.

5. Audits will include, as a minimum, an examination of financial and operating controls, financial transactions, and accounts and reports of recipient organizations to determine whether:

- a. They maintain effective control over and properly account for revenues, expenditures, assets, and liabilities.
- b. The financial reports (including Financial Status Reports, Cash Reports, and claims for advances and reimbursements) contain accurate and reliable financial data; and are presented in accordance with the terms of applicable assistance agreements, and in accordance with Attachment H of this Circular.
- c. Federal funds are being expended in accordance with the terms of applicable assistance agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or on the awards tested.

6. In order to accomplish the purposes set forth above, a representative number of charges to Federal awards shall be tested. The test shall be representative of (1) the universe of Federal awards received, and (2) all cost categories that materially affect the award to determine whether the charges:

- a. Are necessary and reasonable for the proper administration of the program.
 - b. Conform to any limitations or exclusions in the award.
 - c. Were given consistent accounting treatment and applied uniformly to both federally assisted and other activities of the recipient.
 - d. Were net of applicable credits.
 - e. Did not include costs properly chargeable to other federally assisted programs.
 - f. Were properly recorded (i.e., correct amount, date) and supported by source documentation.
 - g. Were approved in advance, if subject to prior approval in accordance with Circular 74-4.
 - h. Were subject to competitive purchasing procedures, if covered by Attachment O of this Circular.
 - i. Were allocated equitably to benefiting activities, including non-Federal activities.
7. Audits will be made at scheduled intervals, usually annually, but not less frequently than every two years.
8. If the auditor becomes aware of irregularities in the recipient organization, the auditor shall promptly notify the cognizant Federal audit agency and recipient top management officials. Irregularities include such matters as conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.
9. The audit report shall
- a. State whether the audit was done in accordance with the standards set forth in paragraph 4.
 - b. Identify the period covered by the audit, the various programs under which the audited organization received Federal funds, the amount of awards received, and the amounts tested in the audit.
 - c. Include appropriate financial statements of the recipient organization, and an opinion on the fairness of the financial statements in accordance with generally accepted accounting principles. If an unqualified opinion cannot be expressed, the nature of the qualification should be stated.
 - d. Provide an opinion on the accuracy and completeness of financial reports and claims for advances or reimbursement to Federal agencies.
 - e. Contain a statement on whether the operations of the recipient comply with requirements that could have a material effect on its financial statements or on an individual award (See paragraph 5.c.).
 - f. Include comments on system deficiencies, irregularities, and the

adequacy of financial and administrative controls. (This may be in the form of a separate management letter.)

g. Comments on corrective action taken or planned by the recipient.

10. Survey and audit workpapers and reports shall be retained for a minimum of three years from the date of the audit report, or until such later date as all audit findings are resolved. The audit workpapers shall be made available upon request to the cognizant audit agency or its designees, and the General Accounting Office or its designees.

11. The Office of Management and Budget in cooperation with the Federal agencies and State and local governments will develop a program to assure that recipient audits are made in accordance with the standards set forth in paragraph 4.

12. The Office of Management and Budget will designate cognizant Federal audit agencies for major recipient organizations.

13. The cognizant Federal audit agency shall have the following responsibilities:

a. Obtaining or making quality assessment reviews of the work of non-Federal audit organizations, and providing the results to other interested Federal audit agencies. (If a non-Federal audit organization is responsible for audits of recipients that have different cognizant audit agencies, a single quality assessment review will be arranged.)

b. Receiving, reviewing, and distributing all audit reports of recipients that affect federally assisted programs to applicable Federal audit officials along with comments on acceptability.

c. Whenever a quality assessment or a review discloses significant inadequacies in an audit, the recipient will be advised and the auditor will be called upon to take corrective action. If corrective action is not taken, the cognizant agency shall notify the recipient, Federal awarding agencies, and OMB of the facts and its recommendation. Major inadequacies or repetitive substandard performance of independent auditors shall be referred by the cognizant audit agency to appropriate professional bodies.

d. Assuring that satisfactory audit coverage is provided in a timely manner and in accordance with the provisions of this attachment.

e. Providing technical advice and acting as a liaison between Federal agencies, independent auditors, and recipient organizations.

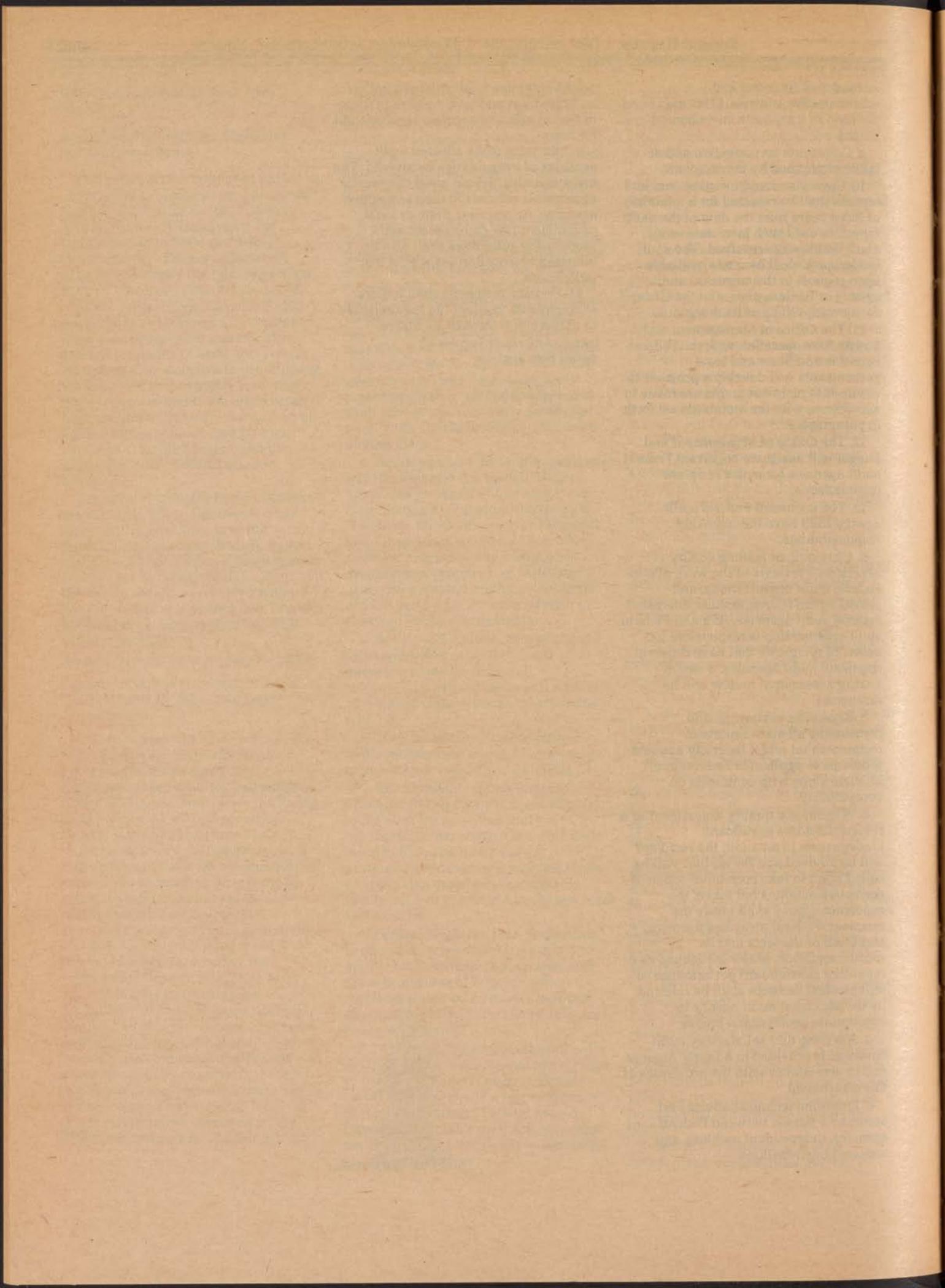
f. Maintaining a followup system on audit findings and investigative matters to assure affected agencies resolve audit findings.

g. Informing other affected audit agencies of irregularities uncovered. The audit agencies, in turn, shall inform all appropriate officials in their respective agencies. Appropriate State or local government law enforcement and prosecuting authorities shall also be informed of irregularities within their jurisdiction.

14. Primary recipients shall require subrecipients to adopt the requirements in paragraph 1. through 10. above.

[FR Doc. 79-21432 Filed 7-10-79; 8:45 am]

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Reader Aids

Federal Register

Vol. 44, No. 134

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INFORMATION AND ASSISTANCE

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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/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLS	HEW/FDA		DOT/SLS	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

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 July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

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

TRANSPORTATION DEPARTMENT

Coast Guard—

34132 6-14-79 / Wheeled semi-portable fire extinguishers

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

28805 5-17-79 / Brown rice and milled rice; redefinition of paddy kernels; comments by 7-16-79

28806 5-17-79 / Definition of foreign material in standards for beans; comments 7-16-79

34508 6-15-79 / Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., proposed handling regulations; comments by 7-15-79

37952 6-29-79 / Onions grown in certain designated counties in Idaho and Malheur County, Oreg.; comments by 7-16-79

27665 5-11-79 / Packers and stockyards; poultry licensees operating indesignated poultry marketing areas; comments by 7-16-79

36055 6-20-79 / Peaches grown in Mesa County, Colo.; comments by 7-20-79

Agricultural Stabilization and Conservation Service—

35230 6-19-79 / Termination of marketing quotas on cigar-binder (types 51 and 52) tobacco for 1979-80 marketing year; comments by 7-19-79

Farmers Home Administration—

28655 5-16-79 / Rural rental housing loan policies, procedures, and authorizations; comments by 7-16-79

Food Safety and Quality Service—

22795 4-17-79 / Nitrates and nitrites in meat products; extension of time for submission of data; comments extended to 7-17-79

[First published at 42 FR 55626, 10-18-77]

Rural Electrification Administration—

28383 5-15-79 / Environmental policies and procedures; comments by 7-16-79

CIVIL AERONAUTICS BOARD

36089 6-20-79 / Braniff Airways and Ozark Airlines grant of Dallas/Fort Worth Little Rock Authority; comments by 7-18-79

28670 5-16-79 / Commissions for sale of air transportation; general policy statements; comments by 7-16-79

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

29080 5-18-79 / Alaska salmon fishery; comments by 7-18-79

29300 5-18-79 / Fish and Wildlife Coordination Act, procedures for Federal agency compliance; comments by 7-17-79

34963 6-18-79 / Taking of marine mammals incidental to commercial fishing operations; permits; comments by 7-18-79

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28678 5-16-79 / Requirement of foreign brokers and foreign traders to designate an agent in the U.S. to receive service of communications issued by the Commission; comments by 7-16-79

DEFENSE DEPARTMENT

Army Department—

34519 6-15-79 / Administrative procedures; shipping safety fairways and anchorages, Gulf of Mexico; comments by 7-16-79

Office of the Secretary—

35248 5-19-79 / Revision of directive on enlisted administrative separation's; comments by 7-19-79

ENERGY DEPARTMENT

33847 6-13-79 / Procedures Governing Collection and Reporting of Information Concerning Cost of Providing Retail Electric Service; comments by 7-15-79

- Federal Energy Regulatory Commission—
- 34511 6-15-79 / Ceiling prices; high-cost natural gas; comments by 7-16-79
- 34969 6-18-79 / Ceiling prices; high cost natural gas; comments by 7-16-79
- 37500 6-27-79 / Interim procedures for shortages of electric energy and capacity; comments by 7-15-79
- 37499 6-27-79 / Natural gas curtailment; essential agricultural and high priority users; petition for priority treatment; comments by 7-15-79
- ENVIRONMENTAL PROTECTION AGENCY**
- 35277 6-19-79 / Approval of administrative order issued by Ohio EPA to B. F. Goodrich Co.; comments by 7-19-79
- 35279 6-19-79 / Approval of administrative order issued by Ohio EPA to Cooper Tire and Rubber Co.; comments by 7-19-79
- 35275 7-19-79 / Approval of administrative order issued by Ohio EPA to Fox Paper, Inc.; comments by 7-19-79
- 34603 6-15-79 / Commonwealth of Pennsylvania; Section 107 attainment status designations; comments by 7-16-79
- 33433 6-11-79 / Development of standards for uranium mill tailings and report on uranium mining wastes; written information by 7-20-79
- 35264 6-19-79 / Mississippi; 1979 implementation plan revisions; comments by 7-19-79
- 35158 NEPA; implementation procedures; comments by 7-18-79
- 31567 5-31-79 / Polychlorinated biphenyls; amendment to criteria for chemical waste landfills; comments by 7-18-79
- 34522 6-15-79 / Proposed delayed compliance order for Amoco Oil Co.; comments by 7-16-79
- 34520 6-15-79 / Proposed approval of an administrative order issued by the Iowa Department of Environmental quality to Norris Construction Co., Ottumwa, Iowa; comments by 7-16-79
- 34521 6-15-79 / Proposed approval of an administrative order issued by the Iowa Department of Environmental Quality to Northwestern State Portland Cement Co., Mason City, Iowa; comments by 7-16-79
- 33116 6-8-79 / Regulation of fuel and fuel additives; lead phase-down regulations; comments by 7-20-79
- ENVIRONMENTAL QUALITY COUNCIL**
- 28196 5-14-79 / Revision of National Oil and Hazardous substances pollution contingency plan; comments by 7-16-79
- FEDERAL COMMUNICATIONS COMMISSION**
- 38917 7-3-79 / Applications for certificates of compliance and Federal-State/local regulatory relationships; comments by 7-16-79
- 28347 5-15-79 / Cable television syndicated program exclusivity rules; inquiry into economic relationship between television broadcasting and cable television; comments by 7-17-79
- 31679 6-1-79 / Conventional land mobile radio systems; co-channel mileage separation change and frequency loading standards; reply comments by 7-18-79
- 31673 6-1-79 / FM broadcast stations in Duncan, Okla.; change in table of assignments; comments by 7-17-79
- 26955 5-8-79 / FM broadcast stations in Grove, Okla.; proposed changes in table of assignments; reply comments by 7-16-79
- 30128 5-24-79 / FM broadcast stations in Haskell, Tex.; change in table of assignments; comments by 7-16-79
- 32720 6-7-79 / Public utility distribution automation systems, regulations; reply comments by 7-15-79
- (Originally published at 43 FR 54106, 11-20-78)
- 36286 6-21-79 / Radio Technical Commission for Aeronautics, Special Committee 142, Washington, D.C. (open), 7-17 and 7-18-79
- 37015 6-25-79 / Specifications of portable radio equipment to be used in totally enclosed lifeboats; comments by 7-17-79
- 28028- 5-14-79 / Television broadcast stations in Georgia, 28032 Virginia, and Wisconsin; changes in table of assignments; reply comments by 7-19-79
- 30129 5-24-79 / Television broadcast stations in McAllen and Brownsville, Tex.; changes in table of assignments; comments by 7-16-79
- FEDERAL DEPOSIT INSURANCE CORPORATION**
- 34510 6-15-79 / Routine public disclosure of trust department annual reports of assets filed by State nonmember insured banks; comments by 7-16-79
- FEDERAL TRADE COMMISSION**
- 38570 7-2-79 / Care labeling of textile products and leather wearing apparel; comments by 7-17-79
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- Food and Drug Administration—
- 28334 5-15-79 / Amoniated glycyrrhizin; affirmation of GRAS status as of direct human food ingredient with specific limitations; comments by 7-16-79
- 17070 3-20-79 / Chemical compounds in food-producing animals; carcinogenic residues; comments by 7-18-79
- [Corrected at 44 FR 20718, 4-8-79]
- 28332 5-15-79 / Corn silk; removal from GRAS status as direct human food ingredient; comments by 7-16-79
- 29105 5-18-79 / Frozen concentrated orange juice, reduced acid, identity standard; comments by 7-17-79
- 28336 5-15-79 / Glycerophosphates; affirmation and deletion of GRAS status; comments by 7-16-79
- 29102 5-18-79 / Lard and lard oil; proposed affirmative of GRAS status as indirect human food ingredients; comments by 7-17-79
- 52732 11-14-79 / Oral hypoglycemic drugs; proposed labeling requirements; availability of agency analysis; comments by 7-16-79
- [Comment period extended at 44 FR 17720]
- 36421 6-22-79 / Vitamin and mineral drug products for over-the-counter human use; proposed rulemaking; comments extended to 7-16-79
- [Originally published at 44 FR 16126, March 16, 1979]
- Health Care Financing Administration—
- 28768 5-16-79 / Medicare program; definition of hospital special care units for reimbursement purposes; comments by 7-16-79
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
- Federal Housing Commissioner—Office of Assistant Secretary for Housing—
- 28685 5-16-79 / Increase in loan amount and term; comments by 7-16-79
- INTERIOR DEPARTMENT**
- Office of the Secretary—
- 29300 5-18-79 / Fish and Wildlife Coordination Act, procedures for Federal agency compliance; comments by 7-17-79
- INTERSTATE COMMERCE COMMISSION**
- 32011 6-4-79 / Applicability of predominant article theory in publication of updated tariffs; comments by 7-16-79
- 34994 6-18-79 / Carriers of household goods; investigation into estimating practices; comments by 7-18-79

- DEPARTMENT OF JUSTICE**
Bureau of Prisons—
- 23174 4-18-79 / Control, custody, care, treatment, and instruction of inmates; comments by 7-15-79
- LABOR DEPARTMENT**
Employment and Training Administration—
- 36087 6-20-79 / Comprehensive Employment and Training Act; sectarian activities; comments by 7-20-79
- 36087 6-20-79 / Sectarian activities under the Comprehensive Employment and Training Act; comments by 7-20-79
- Wage and Hour Division—
- 38910 7-3-79 / Hearing on special minimum wages for handicapped workers in competitive employment and employment of handicapped clients in sheltered workshops; comments by 7-19-79
- PERSONNEL MANAGEMENT OFFICE**
- 29086 5-18-79 / Federal Employees Health Benefits program; opportunities to register to enroll or change enrollment; comments by 7-17-79
- POSTAL SERVICE**
- 33068 6-8-79 / Express mail metro service—additional metropolitan areas; comments by 7-18-79
- SECURITIES AND EXCHANGE COMMISSION**
- 26692 5-4-79 / Price protection for public limit orders; comments by 7-15-79
- SMALL BUSINESS ADMINISTRATION**
- 35236 6-19-79 / Establishment of new size standard for retail heating oil dealers for purposes of SBA loan programs; comments by 7-19-79
- TRANSPORTATION DEPARTMENT**
Coast Guard—
- 31592 5-31-79 / Navigation safety regulations; electronic navigation equipment; comments by 7-16-79
- Federal Highway Administration—
- 28946 5-17-79 / Highway beautification program; outdoor advertising and junkyard control; comments by 7-15-79
- 25388 4-30-79 / Reassessment of Highway Beautification program; comments by 7-15-79
- Office of the Secretary—
- 28928 5-17-79 / Participation by minority business enterprise in contracts and programs; comments by 7-16-79
- VETERANS ADMINISTRATION**
- 34975 6-18-79 / Regional Office Committees on Waivers and Compromises; comments by 7-18-79
- 34977 6-18-79 / Veterans education; independent study; comments by 7-18-79
- Next Weeks Meetings:**
- ACCIDENT AT THREE MILE ISLAND, PRESIDENT'S COMMISSION ON**
- 39055 7-3-79 / Issuance of Subpoenas, Washington, D.C. (partially open), 7-18 through 7-20-79
- ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**
- 34998 6-18-79 / Committee on Licenses and Authorizations, Washington, D.C. (open), 7-20-79
- AGRICULTURE DEPARTMENT**
Forest Service—
- 36214 6-21-79 / Routt National Forest Grazing Advisory Board, Steamboat Springs, Colo. (open), 7-16-79
- Office of the Secretary—
- 38949 7-3-79 / Meat and poultry inspection National Advisory Committee, Washington, D.C. (open), 7-18-79
- ARTS AND HUMANITIES NATIONAL FOUNDATION**
- 35325 6-19-79 / Dance advisory panel, Washington, D.C. (partially open), 7-16 through 7-18-79
- 36271 6-21-79 / Humanities Panel, Washington, D.C. (closed), 7-16-79
- CIVIL RIGHTS COMMISSION**
- 36219 6-21-79 / California Advisory Committee, Los Angeles, Calif. (open), 7-20-79
- 37647 6-28-79 / Delaware Advisory Committee, Wilmington, Del. (open), 7-17-79
- 36441 6-22-79 / Louisiana Advisory Committee, Baton Rouge, La. (open), 7-20-79
- 38952 7-3-79 / Maryland Advisory Committee, Maryland (open), 7-21-79
- 33137 6-8-79 / Massachusetts Advisory Committee, Boston, Mass. (open), 7-18-79
- 37647 6-28-79 / Missouri Advisory Committee, Kansas City, Mo. (open), 7-18-79
- COMMERCE DEPARTMENT**
Industry and Trade Administration—
- 38613 7-2-79 / Computer Systems Technical Advisory Committee, Foreign Availability Subcommittee, Washington, D.C. (partially open), 7-17-79
- 36444 6-22-79 / Hardware Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (closed), 7-18-79
- 37967 6-29-79 / Licensing Procedure Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (open), 7-17-79
- National Oceanic and Atmospheric Administration—
- 34171 6-14-79 / Mid-Atlantic Fishery Management Council, Cape May, N.J., 7-17; Ocean City, Md., 7-18; Norfolk, Va., 7-19-79
- DEFENSE DEPARTMENT**
Air Force Department—
- 37652 6-28-79 / USAF Scientific Advisory Board Operational Test and Evaluation Advisory Group, Kirtland Air Force Base, N. Mex. (closed), 7-17 and 7-18-79
- 37652 6-28-79 / USAF Scientific Advisory Board, Summer Study Group on Interdependence of SALT, Breakout and Specific MX Employment Variables, Newport, R.I. (closed), 7-18 through 7-21-79
- Army Department—
- 36447 6-22-79 / Army Science Board, Charlottesville, Va. (closed), 7-16 through 7-20-79
- Navy Department—
- 37529 6-27-79 / Secretary of the Navy's Advisory Board on Education and Training (SABET), Monterey, Calif. (open), 7-18 and 7-19-79
- Office of the Secretary—
- 36222 6-21-79 / DOD Advisory Group on Electron Devices, Working Group A: New York, N.Y. (closed), 7-17 and 7-18-79
- 37330 6-26-79 / Defense Science Board Task Force on High Energy Lasers, La Jolla, Calif. (closed), 7-18 thru 7-21-79
- 35283 6-19-79 / Defense Science Board summer study panel on comprehensive test ban, Arlington, VA (closed), 7-19 and 7-20-79
- 30149 5-24-79 / Joint Strategic Target Planning Staff Scientific Advisory Group, Offutt Air Force Base, Nebr. (closed), 7-17 through 7-19-79
- 30149 5-24-79 / Wage Committee, Washington, D.C. (closed), 7-17-79

ENERGY DEPARTMENT

Economic Regulatory Administration—

36448 6-22-79 / Coordinating Subcommittee of the Committee on Refinery Flexibility, Washington, D.C. (open), 7-16-79

33723 6-12-79 / Fuel Oil Marketing Advisory Committee, San Francisco, Calif. (open), 7-18 and 7-19-79

[Originally published at 44 FR 31701, June 1, 1979]

32438 6-8-79 / National Petroleum Council, refinery capability, task group of the Committee on Refinery Flexibility, Washington, D.C. (open), 7-21-79

ENVIRONMENTAL PROTECTION AGENCY

39024 7-3-79 / Federal Insecticide, Fungicide and Rodenticide Scientific Advisory Panel, Arlington, Va. (open), 7-19 and 7-20-79

FEDERAL COMMUNICATIONS COMMISSION

37710 6-28-79 / Radio Technical Commission for Aeronautics Executive Committee, Washington, D.C. (open), 7-20-79

39028 7-3-79 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 7-19-79

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

35290 6-19-79 / Rate System and Prevailing and Other Pertinent Matter, Washington, D.C. (open), 7-19-79

GENERAL SERVICES ADMINISTRATION

37335 6-26-79 / Regional Public Advisory Panel on Architectural and Engineering Services, Denver, Colo. (open), 7-18 and 7-19-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse and Mental Health Administration—

37090 6-25-79 / Psychiatric Nursing Education Review Committee, Rockville, Md. (partially open), 7-16 and 7-17-79

Education Office—

37335 6-26-79 / National Advisory Council on the Education of Disadvantaged Children, Rosslyn, Va. (open), 7-20 and 7-21-79

Food and Drug Administration—

34644 6-15-79 / Antimicrobial Panel, Rockville, Md. (partially open), 7-20-79

34644 6-15-79 / Antimicrobial Panel, Bethesda, Md. (partially open), 7-21-79

39617 7-6-79 / Health Care Services; consumer exchange, Atlanta, Ga. (open), 7-21-79

34644 6-15-79 / Miscellaneous Internal Drug Products Panel, Bethesda, Md. (partially open), 7-21-79

Health Resources Administration—

37690 6-28-79 / Graduate Medical Education National Advisory Committee, Washington, D.C. (open), 7-19 and 7-20-79

National Institutes of Health—

34199 6-14-79 / Clinical Cancer Program Project and Cancer Center Support Review Committee, Bethesda, Md. (partially open), 7-19 and 7-20-79

34199 6-14-79 / Large Bowel and Pancreatic Cancer Review Committee, New Orleans, La. (open), 7-19-79

33494 6-11-79 / Mental Retardation Research Committee, Bethesda, Md. (open), 7-18 and 7-19-79

Office of the Secretary—

36482 6-22-79 / Board of Advisors to the Fund for the Improvement of Postsecondary Education, Saratoga Springs, N.Y. (open), 7-15-79

38605 7-2-79 / Child day care regulations, Aurora, Colo., 7-17-79
[Originally published at 44 FR 34780, June 15, 1979]

38605 7-2-79 / Child day care regulations, Boston, Mass., 7-19-79
[Originally published at 44 FR 34780, June 15, 1979]

38605 7-2-79 / Child day care regulations, Memphis, Tenn., 7-19-79

[Originally published at 44 FR 34780, June 15, 1979]

39030 7-3-79 / National Advisory Committee on the White House Conference on Families, Washington, D.C. (open), 7-19 and 7-20-79

Social Security Administration—

31668 6-1-79 / Freedom of information Chicago, Ill. (open), 7-17-79

31668 6-1-79 / Freedom of information, Dallas, TX., (open), 7-17-79

INFORMATION NETWORK STRUCTURE AND FUNCTIONS ADVISORY COMMITTEE

38945 7-3-79 / Establishment of communications network, Washington, D.C. (open), 7-19-79

INTERIOR DEPARTMENT

Land Management Bureau—

34201 6-14-79 / Butte District Grazing Advisory Board, Butte, Mont. (open), 7-16-79

36267 6-21-79 / Little Sahara Recreation Area, Juab County, Utah, Salt Lake City, Utah, 7-18, and Nephi, Utah, 7-19-79 (both sessions open)

32748 6-7-79 / Montrose District Grazing Advisory Board, Montrose, Colo. (open), 7-17 and 7-18-79

34203 6-14-79 / Roswell District Grazing Advisory Board (open), 7-19-79

LABOR DEPARTMENT

Occupational Safety and Health Administration—

38006 6-29-79 / Advisory Committee on Construction Safety and Health, Washington, D.C. (open), 7-18-79

NATIONAL SCIENCE FOUNDATION

37093 6-25-79 / Advisory Committee for Astronomical Sciences, Washington, D.C. (partially open), 7-16 and 7-17-79

NUCLEAR REGULATORY COMMISSION

38682 7-2-79 / Advisory Committee on Reactor Safeguards, Subcommittee on Evaluation of Licensee Event Reports, Washington, D.C. (open), 7-19-79

POSTAL RATE COMMISSION

32490 6-6-79 / Basic mail classification, Reform Conference, Washington, D.C. (open), 7-17-79

TRANSPORTATION DEPARTMENT

Federal Railroad Administration—

36287 6-21-79 / Minority Business Resource Center Advisory Committee, Washington, D.C. (open), 7-19-79

WATER RESOURCES COUNCIL

30194 5-24-79 / Water Related Land Resources; planning standards; Washington, D.C. (open), 7-17-79

Next Week's Public Hearings**AGRICULTURE DEPARTMENT**

Forest Service—

33446 6-11-79 / AuSable Wild and Scenic River draft study report; hearing, Grand Rapids, Mich., 7-18-79

33446 6-11-79 / AuSable Wild and Scenic River draft study report; hearing, Grayling, Mich., 7-20-79

33446 6-11-79 / AuSable Wild and Scenic River draft study report; hearing, Farmington, Mich., 7-19-79

CIVIL AERONAUTICS BOARD

35281 6-19-79 / Anchorage-London service case, Washington, D.C., 7-17-79

33919 6-13-79 / Former Large Irregular Air Service Investigation, Washington, D.C., 7-16, 7-23, and 7-26-79

[Corrected at 44 FR 36090, 6-20-79]

ENERGY DEPARTMENT

33457 6-11-79 / Motor fuel marketing subsidization, hearing, Los Angeles, Calif. (open), 7-17-79

- Bonneville Power Administration—
- 35285 6-19-79 / Public utility regulatory policies, Portland, Oreg., 7-19-79
- Economic Regulatory Administration—
- 32225 6-5-79 / Proposed inclusion of additional petroleum substitutes in the entitlements program, Washington, D.C., 7-17-79
- ENVIRONMENTAL PROTECTION AGENCY**
- 31673 6-1-79 / Consolidate permit regulations and underground injection control regulations, hearings, Dallas, Tex., 7-16 through 7-18-79
- 34244 6-14-79 / Consolidation of various permit programs, Dallas, Tex., 7-16 through 7-18-79
[See also 44 FR 34346 and 34393, 6-14-79]
- 34603 6-15-79 / Control of air pollution from new motor vehicles and new motor vehicle engines; Gaseous emissions regulations for 1983 and later model year heavy-duty engines, Ann Arbor, Mich., 7-16 and 7-17-79
- 27362 5-9-79 / Good laboratory practice standards for health effects, Washington, D.C., week of 7-16-79
- 27334 5-9-79 / Proposed health effects test standards for Toxic Substances Control Act test rules, Washington, D.C., week of 7-16-79
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- Food and Drug Administration—
- 36477 6-22-79 / GRAS safety review of ascorbates, Bethesda, Md., 7-16-79
- 34646 6-15-79 / GRAS safety review of starter distillate, Bethesda, Md., 7-16-79
- INTERIOR DEPARTMENT**
- Office of the Secretary—
- 33498 6-11-79 / Grazing management program for East Roswell, N. Mex. hearing, Roswell, N. Mex., 7-17 and 7-18-79
- 33499 6-11-79 / Grazing management plan, Rich County, Utah, hearing, 7-18-79
- NUCLEAR REGULATORY COMMISSION**
- 35060 6-18-79 / Consumers Power Co., hearing, Bethesda, Md., 7-15 through 7-21-79
- POSTAL RATE COMMISSION**
- 12306 3-6-79 / Express mail metro service, Washington, D.C., 7-17-79
- TREASURY DEPARTMENT**
- Internal Revenue Service—
- 31230 5-31-79 / Income tax; active participant for individual retirement account purposes, Washington, D.C., 7-19-79

List of Public Laws

Last Listing July 5, 1979

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-375-3030).

S. 984 / Pub. L. 96-31 To provide the Secretary of Agriculture with authority to reduce marketing penalties for peanuts. (July 7, 1979; 93 Stat. 81) Price \$.75

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

- 38479 7-2-79 / CSA—Per diem rates for CSA grantees and delegate agencies; effective 7-2-79
- 38440 7-2-79 / USDA/FmHA—Supervised bank accounts; Loan and grant disbursement; effective 7-2-79

DEADLINES FOR COMMENTS ON PROPOSED RULES

- 38575 7-2-79 / EPA—Sewage treatment grant limitations provided by Section 316 of the Clean Air Act; comments by 8-1-79

APPLICATIONS DEADLINES

- 39573 7-6-79 / Commerce/NOAA—Proposal to designate a marine sanctuary around the Channel Islands off California; availability of funds for public participation; apply by 7-31-79
- 39030 7-3-79 / HEW/CDC—Grants for Health Education Risk Reduction; apply by 7-16-79
- 39030 7-3-79 / HEW/CDC—Health education-risk reduction; apply by 7-16-79
- 39310 7-5-79 / HEW/HDSO—ADA National Aging Organization Projects program; apply by 9-4-79
- 38673 7-2-79 / HEW/HSA—Maternal and Child Health and Crippled Children's Services; availability of grants; apply by 8-10-79
- 38682 7-2-79 / Justice/LEAA—Competitive graduate research fellowships; availability of funds; apply by 10-1-79
- 39619 7-6-79 / HEW/NIE—Unsolicited proposals to conduct educational research and development; change in closing dates for receipt of proposals to 12-31-79 and 6-30-80
- 39620 7-6-79 / HEW/OE—Emergency School Aid Act; extension of closing date for transmittal of applications from State Educational Agencies for fiscal year 1979, transmittal of applications by 8-9-79

MEETINGS

- 38673 7-2-79 / HEW/OE—National Advisory Council on Women's Educational Programs, Bethesda, Md. (open), 7-30-79

OTHER ITEMS OF INTEREST

- 38572 7-2-79 / HUD/Secretary—Transmittal of interim rule regarding Community Development Block Grant program environmental review procedures to Congress
- 39316 7-5-79 / Justice/LEAA—Appeal on denial of grant to National Coalition for Children's Justice; hearing in Washington, D.C., 7-12-79
- 39041 7-3-79 / Justice/LEAA—Project New Pride: Serious Offender Youth Treatment program; replication; response to comments and final program guideline
- 39040 7-3-79 / Justice/LEAA—Serious Offender Youth Treatment program; response to comments and program guidelines
- 38694 7-2-79 / DOT/UMTA—Urban initiatives program; program guidelines, addition