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Wednesday
August 1, 1979

Highlights

45123 **Community Funds** SBA expands sources and amounts which may be injected into local development companies; effective 6-1-79

45116 **Mobile Homes** FHLBB liberalizes its regulations in order to make loans more available and affordable; effective 8-31-79

45247 **National Fire Codes** GSA/OFR request proposals from the public to assist in amending existing safety standards

45246 **National Fire Codes** GSA/OFR request comments on techincal report; comments by 10-5-79

45298 **Unlawful Trade Practices** Treasury/ATF proposes rules prohibited by the Federal Alcohol Administration; comments by 10-30-79 (Part III of this issue)

45141 **Truth in Lending** FRS proposes a rule on calculation and disclosure of annual percentage rates; comments by 10-15-79

45240 **Data Collection** EPA identifies certain activities to be undertaken during the next six-month period for specific industrial point source categories

45120 **Licenses** SBA adopts rules on small business investment companies; effective 8-1-79

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Highlights

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45316 **Abandoned Mines** Interior/SMRE publishes notice of decision to establish guidelines; comments by 8–31–79 (Part IV of this issue)

45178 **Improving Government Regulations** Federal Trade Commission issues proposed semiannual agenda

45296 **Improving Government Regulations** Justice/Civil Rights Division publishes semiannual agenda (Part II of this issue)

45326 **Improving Government Regulations** Treasury/Secretary, ATF, Customs, and RSO publish proposed semiannual agendas (4 documents) Part VI of this issue

45342 **Improving Government Regulations** HUD issues proposal on significant regulations under development or review (Part VII of this issue)

45320 **Feeder Cattle** USDA/AMS revises official U.S. standards for grades; effective 9–2–79 (Part V of this issue)

45131 **Pesticide Program** EPA adds certain uses of additional active ingredients under the optional procedure classification; effective 8–1–79

45218 **Pesticide Use Restrictions** EPA solicits comments from registrants, users, and other interested parties; comments by 10–1–79

45352 **Retail Sales of Motor Gasoline** DOE/ERA adopts amendments to the refiner reseller-retailer, and retail price rules (Part VIII of this issue)

45292 **Sunshine Act Meetings**

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45298 **Part III, Treasury/ATF**
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45320 **Part V, USDA/AMS**
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Rules and Regulations

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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

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program; 1979 Crop Grade Loan Rates—Flue-Cured Tobacco

Correction

In FR Doc. 79–21199, appearing at page 40275 in the issue of Tuesday, July 10, 1979, make the following changes:

On page 40275, third column, the 14th and 18th entries under the heading "Loan rate" should read "124" and "126" respectively.

BILLING CODE 1505-01-M

Farmers Home Administration

7 CFR Part 1806

[FmHA Instructions 426.1]

Real Property Insurance; Amendment To Increase Deductible

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding real property insurance by increasing the maximum limitation in the loss deductible clause from $300 to $500. This action is taken to conform agency regulations to insurance industry requirements.

EFFECTIVE DATE: August 1, 1979.

FOR FURTHER INFORMATION CONTACT: The Multiple Housing Management and Support Division, Gem Middlebrooks, Loan Specialist, telephone 202–447–7207.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration amends § 1806.2(d)(1)(iii) of Subpart A, Part 1806, Subchapter A, Chapter XVIII, Title 7 in the Code of Federal Regulations. This action is taken because current FmHA regulations do not meet insurance industry standards and this causes problems for FmHA borrowers.

It is the policy of this Department that rules relating to public property, loans, grant, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since this change is a result of an increase in the amount of the loss deductible clause by the insurance companies in certain areas of the country and to delay a change in FmHA regulations would be contrary to the public interest.

This determination has been made by Paul R. Conn, Director Multiple Housing Management and Support.

Therefore § 1806.2(d)(1)(iii) is amended to read as follows:

§ 1806.2 Companies and policies.

* * * * *

(d) *Policy restrictions.*

(1)* * *

* * * * *

(iii) *Loss Deductible Clause.* This clause generally provides that loss to each building to the extent of the limitation is not recoverable. The company is liable only for loss to each building in excess of such limitation stated in the clause. This clause may be accepted where the limitation does not exceed $150, or one percent of the insurance coverage whichever is greater. In no case, however, may the limitation on any one building exceed $500.00.

* * * * *

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

Statement

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Implementing Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250.

Authorities: 7 U.S.C. 1989; 42 U.S.C. 1480; Sec. 10, Pub. L. 93–357, 88 Stat. 392; 5 U.S.C. 301; 42 U.S.C. 2942; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegation of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Dated: July 18, 1979.

W. J. Nagle,

Acting Administrator, Farmers Home Administration.

[FR Doc. 79–23695 Filed 7–31–79; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

Extensions of Credit by Federal Reserve Banks; Changes in Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Change in discount rates.

SUMMARY: The Board of Governors has amended its Regulation A, "Extensions of Credit By Federal Reserve Banks," for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country.

Pursuant to the authority of 5 U.S.C. Sec. 553 (b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that in view of emerging economic and financial consideration, these amendments must be adopted immediately.

EFFECTIVE DATE: The changes were effective on the date specified below.

FOR FURTHER INFORMATION CONTACT: Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452–3257).

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of:	Rate	Effective
Boston	10	July 20, 1979
New York	10	July 20, 1979
Philadelphia	10	July 20, 1979
Cleveland	10	July 20, 1979
Richmond	10	July 20, 1979
Atlanta	10	July 20, 1979
Chicago	10	July 20, 1979
St. Louis	10	July 20, 1979
Minneapolis	10	July 20, 1979
Kansas City	10	July 20, 1979
Dallas	10	July 20, 1979
San Francisco	10	July 20, 1979

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

(a) The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of:	Rate	Effective
Boston	10½	July 20, 1979
New York	10½	July 20, 1979
Philadelphia	10½	July 20, 1979
Cleveland	10½	July 20, 1979
Richmond	10½	July 20, 1979
Atlanta	10½	July 20, 1979
Chicago	10½	July 20, 1979
St. Louis	10½	July 20, 1979
Minneapolis	10½	July 20, 1979
Kansas City	10½	July 20, 1979
Dallas	10½	July 20, 1979
San Francisco	10½	July 20, 1979

(b) The rates for advances to member banks for prolonged periods and significant amounts under section 10(b) of the Federal Reserve Act and § 201.2(e)(2) of Regulation A are:

Federal Reserve Bank of:	Rate	Effective
Boston	11	July 20, 1979
New York	11	July 20, 1979
Philadelphia	11	July 20, 1979
Cleveland	11	July 20, 1979
Richmond	11	July 20, 1979
Atlanta	11	July 20, 1979
Chicago	11	July 20, 1979
St. Louis	11	July 20, 1979
Minneapolis	11	July 20, 1979
Kansas City	11	July 20, 1979
Dallas	11	July 20, 1979
San Francisco	11	July 20, 1979

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of:	Rate	Effective
Boston	13	July 20, 1979
New York	13	July 20, 1979
Philadelphia	13	July 20, 1979
Cleveland	13	July 20, 1979
Richmond	13	July 20, 1979
Atlanta	13	July 20, 1979
Chicago	13	July 20, 1979
St. Louis	13	July 20, 1979
Minneapolis	13	July 20, 1979
Kansas City	13	July 20, 1979
Dallas	13	July 20, 1979
San Francisco	13	July 20, 1979

(12 U.S.C. 248(i). Interprets or applies (12 U.S.C. 357))

By order of the Board of Governors, July 23, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79–23676 Filed 7–31–79; 8:45 am]

BILLING CODE 6210–01–M

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12 CFR Part 545

[No. 79–400]

Mobile Home Loans

July 26, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final amendments.

SUMMARY: These amendments, which cover mobile home lending by Federal savings and loan associations, are intended to make mobile home loans more available and affordable to consumers. Changes to accomplish this purpose include: (1) Increasing Federal associations' mobile home lending authority from 10 to 20 percent of their assets; (2) liberalizing participation interest requirements and the list of eligible sellers of these interests; (3) permitting mobile home loans for terms up to 20 years and up to 90 percent of the buyer's total costs for the mobile home; and (4) increasing authority for service corporation activity.

EFFECTIVE DATE: August 31, 1979.

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

SUPPLEMENTARY INFORMATION: On May 3, 1979, the Federal Home Loan Bank Board adopted FHLBB Resolution No. 79–280 (43 FR 26892–26893, dated May 8, 1979), which proposed to liberalize its mobile home loan regulations. The Bank Board recognized that the high cost of home ownership has excluded many families from the housing market for site-built homes. As mobile homes have become an increasingly attractive alternative because of their improved construction and durability in recent years, the Bank Board believes that liberalization of its regulations will help to accommodate the public need for lower cost housing.

Public comments were received from 150 respondents; 21 letters were from individuals and the remainder from persons associated with the savings and loan and mobile home industries. Reaction to the Bank Board's initial request that commenters refer to specific paragraph letter and number to aid analysis of comments was very favorable and contributed significantly to shortening the time required for summary and analysis. On the basis of the comments and other available information, the Bank Board hereby adopts final amendments to its mobile home regulations substantially as proposed, with modifications as discussed below.

General Comments

Respondents overwhelmingly supported liberalization of the mobile home lending requirements, contending that mobile homes, like site-built homes, have become increasingly more expensive, and require longer loan maturities and higher loan-to-value ratios to enable purchasers to afford monthly loan repayments, especially for double-wide units. Several commenters objected to the proposal on the grounds that mobile homes are poor investments because they are subject to depreciation, and, consequently, expanded lending authority would encourage imprudent lending practices. The Bank Board is not persuaded on either of these points; the mobile home product has improved in recent years, making sound housing opportunities available to lower-income homeseekers, and increased lending latitude will merely enable associations to develop appropriate underwriting policies.

Regulations as Adopted and Discussion of Public Comments

§ 545.7–6 *Mobile Home Financing*

Paragraph (a)—Definitions. This paragraph contains definitions of "mobile home," "mobile home chattel paper," and "manufacturer's invoice price." No changes were made from the proposal. However, the Bank Board

notes, in response to questions raised, that manufacturers' invoices must be itemized so that associations may know what equipment, accessories and other options are to be considered security for the loan. It is recommended that associations retain a copy of the invoice in the loan file.

Paragraph (b)—General Lending Authority. The proposed increase in lending authority from 10 to 20 percent of an association's assets was supported by most commenters; several suggested lifting the limit entirely: (1) To parallel site-built lending authority, and (2) to avoid a discriminatory effect on lower-income homebuyers who may in some areas be restricted to mobile homes as the only affordable housing. The Bank Board has determined to adopt the 20 percent limitation as proposed. This action doubles the present lending authority. Research indicates that few associations are lending up to the current limit, and review of experience under the increased authority is reasonable before considering further expansion of this loan category, which is limited because mobile home lending still carries higher risk for associations.

It is noted that in areas where mobile homes are considered realty rather than personalty, a loan on a mobile home is a real estate loan and may be made under an association's regular lending authority. Thus, there is an additional source of loans for mobile homes.

Finally, questions were asked about the conditions under which combination mobile-home-and-lot loans would qualify as loans on improved real estate. If the mobile home is considered personalty (for example, if it is taxed as personalty), then the loan cannot be made under an association's real estate lending authority. As a related issue, Federal associations may not buy such combination loans as described even though they may be VA-guaranteed or FHA-insured. However, securities which are backed by these and other mobile home loans may be purchased pursuant to Federals' authority to invest in government securities.

Paragraph (d)—Inventory Financing. A number of questions were raised by commenters regarding the proposed appraisal requirement for inventory financing of loans on used mobile homes. While problems with valuation guides, as an alternative to appraisals, were acknowledged because they may not reflect individual conditions of units or local market activity, there was considerable concern about appropriate appraisal techniques. A number of commenters suggested that appraisals, or in some cases complete appraisals, may not be appropriate for all types of mobile home loans, and in other cases may unduly delay loan approval. Upon reconsideration, the Bank Board has determined to allow associations to use their own discretion in choosing valuation techniques, and the regulatory language of § 545.7–6 (c) and (d) has been modified accordingly.

All commenters addressing loans to dealers on new mobile homes favored the proposed inclusion of freight charges (included in the term "manufacturer's invoice price" as defined in § 545.7–6(a)(3)). Several, however, recommended excluding dealer-installed equipment on the grounds that it is removable and not covered under manufacturers' repurchase agreements. One respondent noted the confusion created by referring to "furnishings, equipment, and accessories" in the definition of invoice price, and the additional reference to "equipment" in the inventory financing provisions for new and used mobile homes. The Bank Board notes that the former reference was to manufacturer-installed items and the latter to those installed by dealers, and believes that this distinction is sufficiently stated in the regulatory provisions. With regard to dealer-installed equipment, the Bank Board has determined to allow such equipment to be financed in order to increase practical opportunities for mobile home ownership; however, loan losses will be scrutinized to see if additional risk or abuses occur due to the availability of this financing.

Paragraph (e)—Retail Lending. Some respondents suggested amending the proposed requirement that the mobile home be maintained as a residence of the owner or beneficial owner, or an owner's relative. Some described the increased risks which occur with non-owner-occupied homes; others cited the need for moderately priced rental units and the ability to sell repossessed units to investors at market prices, and recommended various limitations on sales to investors. The Bank Board has adopted the ownership requirements as proposed. Regarding a more restrictive underwriting program it is noted that associations may choose to limit loans to owner-occupants. With respect to a more expanded range of borrowers, this regulatory amendment is intended to encourage homeownership, rather than accommodate commercial lending.

Clarification was requested regarding the requirement that the mobile home be located at a mobile-home park or "other semi-permanent site". The provision has been clarified to refer to "permanent or semi-permanent site".

Most commenters favored the proposed extension of loan terms to a maximum of 20 years (from 12–15 years for new units, and shorter terms for used units). Several did object on the grounds of questionable durability of such units. The Bank Board has retained this provision as proposed, in the expectation that associations will determine loan maturities on an individual basis, using the 20-year term as a maximum in appropriate cases.

Substantial comment was received on the loan-amount provisions in § 545.7–6(e)(iv). Most commenters favored the proposed liberalization of loans to 90 percent of buyer's costs, although several objected because of the possibility of inflated sales prices and "front-end loading" of related fees. Additionally, clarification was requested regading the phrase "buyer's total costs," commenters noting that items which are not security for the loan may be included in the financed amount. The Bank Board has not modified this provision because it believes that sales-price-versus-value is always an issue in home sales, to be determined by the marketplace, and notes that associations will be required to use sound underwriting practices to determine acceptability of the security interest just as is done with other types of loans.

A number of negative responses were received regarding the three-year limitation on financed insurance premiums. Commenters argued that such a limitation: restricts consumer options; may result in unrenewed coverage after the third year; may adversely affect buyers who could not afford insurance without long-term financing or would have to finance it elsewhere; would affect profits of associations and dealers; and may result in association loss of mobile home business to other lenders who can finance such insurance. Also, some repondents argued that financing of credit life insurance would be foreclosed under this limit because it is written for the term of the loan.

The Bank Board is not persuaded that the thrust of this provision should be changed. Of special concern is the fact that these premiums are financed over the term of the entire loan when, as in the case of hazard coverage, the security is unprotected against loss at the end of the policy term, which is generally no longer than seven years under state insurance regulations. At the end of this period, the mobile home owner is still obligated to pay insurance premiums, with interest, on an expired policy, as well as purchase a new policy for continuing coverage. Additional factors

which were considered are the difficulties experienced by lenders and insureds when the mobile home is sold or the insured decides to cancel coverage in favor of insurance with another carrier.

The Bank Board therefore believes that the three-year premium restriction is reasonably formulated to accommodate financing of insurance premiums without disadvantaging any of the parties to the sales and financing transaction.

However, the language has been clarified to refer specifically to the types of insurance which may be financed. In weighing all considerations, the Bank Board has concluded that only insurance essential to protect all parties should be included in the loan financing package and capitalized over the loan term. Vendor's single interest (which, among other things, covers transit and missing contents losses) and physical damage coverage may therefore be financed. Credit life or other coverage may not be financed, but associations may, of course, escrow funds for these premiums if the buyer chooses to purchase such coverage.

§ 545.7–7(a) *Purchase of Participation Interests*

Paragraph (a) increased Federals' authority to invest in participation interests from 10 to 20% of assets. Those who commented on this provision favored the proposed liberalization. One respondent recommended that VA and FHA loans be deleted from this paragraph entirely on the basis that associations should not be limited to buying participations from FSLIC- and FDIC-insured entities when they can buy whole packages of such loans from any seller. Another writer saw the exclusion of all other sellers as discriminating against Federal credit unions, mortgage companies and other sellers of participation interests.

The proposed regulations provided that Federal associations could only purchase mobile home loan participations from FDIC- and FSLIC-insured institutions and their service corporations. This was done in order to assure adequate oversight of loan origination and servicing, which must be retained by the seller. In some instances, a buyer of a participation interest may only purchase a small percentage of the package, e.g., 10%; if loan servicing is poor, the buyer may not be able to have an unreliable seller correct the situation. Thus, the limitation to Federally-insured institutions and service corporations provides oversight authority which enables correction of these problems. Therefore, the provision has been amended to include Federally-insured credit unions and their service corporations.

Paragraph (a)(2) requires a participation-interest seller to retain at least a 25 percent interest in the chattel paper. Four of the six comments on this provision favored adoption, but for different reasons. One respondent stated that sellers of chattel paper should retain at least 25% in view of the new 90% loan-to-value ratio because there is greatly increased possibility for loan losses. Another supported the liberalization on the ground that it provides greater flexibility and further helps balance the disporportionate demands upon institutions in states or regions which have more mobile homes.

Two respondents argued that the retainage should be lowered to 10%. One reasoned that those few associations which have sufficient expertise to generate and service such loans must do a volume operation to be profitable, and thus need more flexibility in cash flow. The second respondent argued that lowering the retainage to 10% would provide equality between mobile home loan participation requirements and those for conventionally-built homes.

The proposed decrease, which reduces retainage from 50% to 25%, is significant and should provide the flexibility mentioned as well as assure that participation sellers generate good quality loans and maintain proper service operations. The provision is therefore adopted in modified form to clarify the Bank Board's intent that sellers must retain 25 percent of each loan rather than 25 percent of the loan package; this is to preclude sales to Federals of problem loans while sellers retain those which are soundly underwritten.

Paragraph (a)(3), requiring that the mobile home securing the chattel paper is located within 100 miles of the seller's office, was unchanged in the proposal from the Bank Board's current rule. Two commenters strongly urged establishing minimum requirements for operating an office. Lack of standards could encourage abuses, as reported by respondents, such as some service offices existing only as a post office box or an answering service. Suggestion was made for a requirement that offices be maintained and staffed to provide proper loan service. In light of the expansion of the seller category and other liberalizations, the Bank Board has modified the provision to provide for proper maintenance of service offices.

Service Corporation Activity

Three changes to the proposal were recommended which would expand the role of service corporations in mobile home lending and servicing activities. These are as follows:

(1) The proposal provides that a Federal association may make or buy a whole mobile home loan only if the mobile home security is located in the association's regular lending area (generally, the state where its home office is located). The respondent suggested that a Federal should also be permitted to buy non-local whole loans, if it is buying them from its own service corporation and if the security property is located within 100 miles of an office of that service corporation.

The effect of this suggested changed would be two-fold: it would allow Federals to invest in mobile home loans located anywhere in the country (since service corporations may be established anywhere), and would remove the 25-percent retainage requirement for chattel paper sold by service corporations to their parent associations.

(2) The proposal provides that a Federal association may only buy a participation interest from a seller which itself retains servicing responsibility for the loan; if the seller is a service corporation, it would provide servicing. The respondent suggested that, if the seller is an FSLIC- or FDIC-insured institution, the institution be permitted to have its service corporation provide the servicing.

The effect of this suggested change would be to allow Federals to buy mobile home loan participations anywhere in the country with the servicing being provided by the seller-institution's (perhaps geographically distant) service corporation.

(3) The proposal provides that a Federal association may only buy a participation if the mobile home security is located within 100 miles of an office of the seller. The respondent suggested that the security should also be permitted to be located within 100 miles of an office of the seller's service corporation which is providing the servicing.

The effect of this suggested change would be to allow Federals to buy mobile home loan participations where the location of the security property might be far removed from the seller's regular lending area.

Taken together, the recommended changes would allow Federals to buy nationwide whole loan packages from their own service corporations, and

nationwide participations serviced and based near seller's service corporations, without the service corporations being required to retain any of the investment. (It is noted that, with regard to participations sold to Federals by institutions who themselves bought from their service corporations, the institutions re-selling the loans must retain 25 percent of each loan in the package.)

Arguments for such expanded authority are that (1) it would encourage the flow of funds to capital-deficit areas which need mobile home financing; (2) it would help create a secondary market for mobile home loans; (3) participation retainage and restricted locality are unnecessary in the case of parent association/service corporation dealings because there is management control; and (4) originating and servicing mobile home loans are appropriate activities for service corporations. Arguments against such expansion are that (1) increased authority involves the possibility of increased risk; (2) the mobile home loan industry has had problems in the past, related to high-volume production of loans by companies that did not retain an interest in the loans; and (3) the proposed liberalization of lending authority is quite substantial and experience under it should be reviewed before further steps are taken.

On balance, the Bank Board has determined to allow the recommended expansions in order to make mobile home loans more available to consumers. It believes that past problems may be related to the fact that associations were not allowed to purchase such loans from their own service corporations, and thus had less control over origination and servicing practices. It also notes that problem mobile home loans (net slow loan ratio) were less than two percent on an industry average at the end of 1978. The Bank Board believes that the recommended approach, allowing whole loan purchases from a Federal's own service corporation and participation purchases from other sellers who (even if their service corporations originate, service, and are the only entities located near the security property) are required to retain 25 percent of the loans sold, is a reasonable method of increasing the flow of funds without unduly increasing the risk.

However, the Bank Board intends to monitor closely the experience of Federals using the expanded purchasing authority. In addition, a safeguard has been imposed. The final amendment provides that, unless a waiver is specifically granted by the Board, a Federal may not sell any mobile home loans or participations in such loans if problem loans constitute more than five percent of its total mobile home loan portfolio. The Bank Board believes that such a restriction will result in careful underwriting, sound management of origination and servicing practices, whether done directly by associations or their service corporations, and careful purchasing programs from other institutions or their service corporations. The Bank Board notes as a precedent for this limitation its current provision in 12 CFR 563.9 precluding sales of nationwide loan participations by insured institutions with problem loans in excess of four percent. The additional leverage of 5 percent for mobile home loans is in recognition of the particular nature of mobile home lending, the fact that this is a new activity for many associations, and the new expansion of service corporation authority.

PART 545—OPERATIONS

Accordingly, the Bank Board hereby amends 12 CFR Part 545 by revising §§ 545.7–6, 545.7–7(a), and 545.7–8, to read as set forth below.

1. Revise § 545.7–6 to read as follows:

§ 545.7–6 Mobile home financing.

(a) *Definitions used in this part*—

(1) "Mobile home"—a movable dwelling (for occupancy on land) made of one or more units, and having minimum width of 10 feet, minimum area of 400 square feet, and year-round living facilities for one family, including permanent provision for cooking, eating, sleeping, and sanitation.

(2) "Mobile home chattel paper"—a document evidencing a loan secured by a first lien on one or more mobile homes and equipment installed or to be installed therein.

(3) "Manufacturer's invoice price"—a manufacturer's itemized charges, shown on its invoice, for a specifically identified mobile home, furnishings, equipment, and accessories installed by the manufacturer, and freight.

(b) *General investment authority.* A Federal association whose board of directors has adopted a mobile home financing plan may invest in mobile home chattel paper by making or buying whole loans or installment sales contracts on mobile homes: *Provided,* That total investment made under this section may not exceed 20 percent of an association's assets.

(c) *Sound investment practices.* Appraisals or other generally accepted systems of valuation of used mobile homes shall substantiate the term to maturity of loans made. Chattel paper shall have provisions to protect the association, specifically regarding insurance, taxes, other governmental levies, and maintenance and repairs, and may include any other protection provision which is lawful and appropriate. The association may pay taxes or other governmental levies, and insurance premiums or other similar charges to protect its security interest, and may, when lawful, add such payments to the debt evidenced by the chattel paper. The association shall seasonably perfect its security interest. The association is responsible for current knowledge of regulations and requirements pertaining to Federal insurance and guarantee programs for mobile home loans in which it invests, including portfolio limitations on coverage, and is expected to make underwriting decisions as carefully for such loans as for conventional loans.

(d) *Inventory financing.* An association may invest in mobile home chattel paper which finances a mobile home dealer's acquisition of inventory if:

(1) The inventory is held for sale by the dealer in its ordinary course of business in the association's regular lending area;

(2) The loan evidenced by the chattel paper is the dealer's obligation; and

(3) The loan amount does not exceed the following:

(i) For new mobile homes, 100 percent of manufacturer's invoice price for each mobile home and equipment to be installed by the dealer;

(ii) For used mobile homes, 75 percent of appraised market value or other generally accepted valuation of each mobile home, including installed equipment.

(e) *Retail financing*—(1) *Insured/Guaranteed Loans.* An association may invest in retail mobile home chattel paper which is insured or guaranteed under the National Housing Act or Chapter 37 of Title 38, United States Code, as amended, or which has a commitment for such insurance or guarantee, if satisfactory local servicing of that paper is arranged.

(2) *Conventional Loans.* An association may invest in conventional retail mobile home chattel paper if:

(i) The mobile home is to be maintained as a residence of the owner (or beneficial owner), or an owner's relative;

(ii) The mobile home is located at a mobile home park or other permanent or semi-permanent site in the association's regular lending area or within 100 miles of an office of the association's service

corporation if the association purchased the loan from such service corporation when the investment is made, or within 90 days thereafter;

(iii) The loan is payable in substantially equal monthly installments over 20 years or less; and

(iv) The loan amount (excluding time-price differential or interest, however computed) does not exceed 90 percent of buyer's total costs, including freight, itemized set-up charges, sales or other taxes, and filing or recording fees imposed by law. Insurance premiums may be financed for customary physical damage insurance and vendor's single interest coverage on the mobile home for an initial policy term not to exceed three years; no other insurance may be financed and included in buyer's total costs.

2. Revise paragraph (a) of § 545.7–7 to read as follows:

§ 545.7–7 Purchase of participation interests in mobile home chattel paper.

(a) *General.* A Federal association may buy, within the 20 percent-of-assets limit in § 545.7–6(b), a participation interest in retail mobile home chattel paper which meets all requirements of § 545.7–6(e) (1) or (2) (except the lending area restriction in paragraph (e)(2)(ii)), if:

(1) The seller of the participation interest is an institution whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation, the Federal Deposit Insurance Corporation, or the National Credit Union Administration, or a service corporation thereof, and the seller remains responsible for servicing the chattel paper, either directly, or through a service corporation in the case of an institution seller;

(2) The seller retains at least a 25 percent interest in each document evidencing a loan secured by the chattel paper;

(3) The chattel paper is secured by a mobile home located, or to be located within 90 days thereafter, at a mobile home park or other permanent or semi-permanent site within 100 miles of any office of the seller or the seller's service corporation which is servicing the chattel paper: *provided,* that such office is maintained and staffed to properly service loans sold.

* * * * *

3. Designate existing text of § 545.7–8 as paragraph (a), and add new paragraph (b) as follows:

§ 545.7–8 Sale of mobile home chattel paper.

* * * * *

(b) No association may sell mobile home loans or participations in such loans if, at the close of its most recent semi-annual period, it has mobile-home-loan scheduled items (other than assets acquired in a supervisory merger) in excess of 5 percent of its total mobile-home-loan portfolio: *Provided,* That an association may apply to the Board for waiver of this restriction.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 79–23698 Filed 7–31–79; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

[Rev. 5, Amdt. 17]

Small Business Investment Company Provisions

AGENCY: Small Business Administration.

ACTION: Final rules.

SUMMARY: These regulations effectuate provisions of Pub. L. 95–507, 92 Stat. 1757, October 24, 1978, that affect Small Business Investment Companies (SBICs). Two of Pub. L. 95–507's amendments to the Small Business Investment Act (Act), 15 U.S.C. 661, *et seq.*, apply to all SBICs, whether licensed under section 301(c) or under section 301(d) of the Act: (1) No SBIC license may be issued on or after October 1, 1979, to any applicant unless it has a minimum private capitalization of $500,000; (2) in addition to investments presently permitted for funds not reasonably needed by an SBIC for its day-to-day operations, an SBIC may purchase certificates of deposit issued by, or maintain a savings account in, a financial institution insured by the Federal Savings and Loan Insurance Corporation, in amounts in excess of the insurance limit. Other provisions of Pub. L. 95–507 amending the Act affect only those SBICs licensed under the authority of section 301(d). These amendments (1) permit section 301(d) Licensees to be organized in the form of limited partnerships; (2) authorize SBA to purchase nonvoting 3 percent cumulative Preferred Securities in increased amounts from corporate section 301(d) Licensees; (3) eliminate SBA's authority to require section 301(d) Licensees that had sold Preferred Securities to SBA before October 24, 1978, to repay the "dividend subsidy" before dividends may be paid, or other distribution made, to other equity investors in the Licensee. The "dividend subsidy" is the difference between dividends paid by the Licensee at the annual 3 percent rate and the amount the Licensee would have paid had it instead sold SBA 15 year debentures bearing interest at the rate in effect on the date of sale, determined pursuant to sec. 303(b) of the Act; and (4) relieve section 301(d) Licensees that have sold debentures to SBA bearing a subsidized rate of interest from any obligation to repay the "interest subsidy"—the difference between the subsidized rate (determined pursuant to sec. 317 of the Act) and the rate determined at the date of sale pursuant to sec. 303(b) of the Act.

EFFECTIVE DATE: These rules are effective as of August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Peter F. McNeish, Deputy Associate Administrator for Investment, 202–653–6848.

SUPPLEMENTARY INFORMATION: Prior to October 24, 1978, limited partnerships could obtain a license only under the authority of section 301(c) of the Act; section 301(d) Licenses could be issued only to corporations. Pub. L. 95–507 authorized SBA to issue licenses under the authority of section 301(d) to limited partnerships. The first two amendments reflect this broadening of SBA's authority and are self-explanatory.

The third amendment to the regulations makes three changes in § 107.101(d), two of which reflect a statutory change in the minimum private capitalization required of all applicants for an SBIC license.

Sections 107.101(d) (i) and (2) have been amended to reflect the fact that on and after October 1, 1979, SBA will have no authority to issue a License to any applicant whose private capitalization is less than $500,000. This qualification applies also to applications filed before October 1, 1979; there will be no grandfather rights for applicants who have filed before October 1, 1979, regardless of the reasons underlying SBA's failure to issue a License before that date. No exceptions may be made.

Section 107.101(d)(2) has also been amended to delete language that applied only with respect to funds paid into or irrevocably committed to a Licensee before July 5, 1973. This deletion is of an editorial nature, with no effect on the substantive rights of any existing Licensee.

The fourth amendment applies only to section 301(d) Licensees. In addition to

changes of a purely editorial nature, § 107.205 has been revised to reflect changes in the Act.

Section 107.205 is revised to relieve a section 301(d) Licensee of any obligation to repay the dividend or interest subsidy, as the case may be. Of course, any such repayment obligation would exist only in the case of a section 301(d) Licensee that had sold Preferred Securities or subsidized interest rate debentures to SBA before October 24, 1978. Licensees and applicants for a license whose Articles of Incorporation make provision for repayment of the dividend and/or interest subsidy will not be required to amend the Articles of Incorporation solely to eliminate reference to the dividend and/or interest subsidy.

Section 107.205(d) is amended to make two significant changes with respect to the purchase of Preferred Securities from a corporate section 301(d) Licensee. It should be noted that Pub. L. 95–507 now confers upon SBA authority to purchase from any corporate 301(d) Licensee—but only from a corporate Licensee—Preferred Securities in an amount up to 100 percent of the Licensee's Private Capital. Prior to the effective date of Pub. L. 95–507 (October 24, 1978), SBA could purchase from a Licensee licensed on or before October 13, 1971, and having Private Capital of less than $300,000, Preferred Securities in an amount no greater than the amount of Private Capital contributed after October 13, 1971; and in the case of a Licensee licensed after October 13, 1971, and having a Private Capital of less than $500,000, SBA's purchase of Preferred Securities could not exceed the difference between $300,000 and $500,000. SBA could purchase Preferred Securities in the amount of 100 percent of Private Capital only if the Licensee's Private Capital was $500,000 or more.

Subject to certain restrictions set forth in Pub. L. 95–507 and implemented in proposed § 107.205(d)(2), SBA has been further authorized to purchase Preferred Securities in amounts in excess of 100 percent of Private Capital, but not to exceed 200 percent of Private Capital, from any Licensee licensed on or before October 13, 1971 (regardless of the amount of such Licensee's Private Capital), and from any Licensee with a Private Capital of $500,000 or more.

However, the amount of Preferred Securities purchased by SBA in excess of 100 percent of any Licensee's Private Capital may not exceed the amount of the Licensee's funds invested in or legally committed to the "Qualified Investments" enumerated in § 107.205(d)(2). The "Qualified Investments" set forth in this section are those set forth in section 101 of Pub. L. 95–507 under the statutory definition of "equity securities". The regulation uses the term "Qualified Investments" in order to avoid confusion with the term "Equity Securities" as it is used in § 107.302(b) of the regulations. The regulation adds to the statutory language, language intended to make it clear (1) that no Licensee may, through the purchase of Qualified Investments, engage in any business, either directly or as a holding company, other than that of a section 301(d) SBIC or risk liability as a general partner in business; and (2) that Congress listed subordinated debt instruments among "equity securities" in recognition of the fact that subordination is intended to encourage other lenders to extend financing, and not merely to afford a priority to all other creditors, particularly creditors, who are supplier or consultant associates of the Licensee.

Since SBA's authority to purchase Preferred Securities in excess of 100 percent of Private Capital is limited to the amount of the Licensee's Qualified Investment Portfolio, SBA has included a requirement that a Licensee maintain its Qualified Investment Portfolio at that level. The requirement is similar to that imposed with respect to leverage in excess of 300 percent of Private Capital, as set forth in § 107.202(d) of the regulations.

SBA is also authorized to require any Licensee offering Preferred Securities in excess of 100 percent of its Private Capital to demonstrate a need therefor, to insure that SBA funds disbursed to Licensees are, to the maximum degree possible, used to finance Small Concerns.

Section 107.205(c) has been redesignated as § 107.205(f) and revised to clarify certain points. SBA will not permit exchange or conversion of the debentures of any Licensee into Preferred Securities if the transaction would cause SBA to hold Preferred Securities in greater amounts than authorized by statute or applicable regulation. Nor is it intended to permit the exchange or conversion of debentures for Preferred Stock as a method of refinancing debentures in default, or avoiding payment of accrued interest due SBA.

The fifth amendment broadens the coverage of § 107.808 to include "active funds" as well as "idle funds" and reflects the intent of Pub. L. 95–507 to eliminate unnecessary distinction between banks insured by the Federal Deposit Insurance Corporation (FDIC) and savings and loan institutions insured by the Fedeal Savings and Loan Insurance Corporation (FSLIC).

As amended § 107.808 requires that all funds of any Licensee, except funds invested in Small Concerns, or in obligations of, or guaranteed by, the United States, or held in a petty cash fund not exceeding $500, be deposited in an institution insured by either FDIC or FSLIC. This requirement applies to funds reasonably needed for the day-to-day operations of the Licensee—"active funds"— as well as funds not so needed. Hence, no funds of an SBIC may be deposited in any institution not subject to the supervision provided by either FDIC or FSLIC. Since the intent of Section 102 of Pub. L. 95–507 was to eliminate unnecessary distinctions between FDIC-insured and FSLIC-insured institutions, SBA will allow each Licensee to decide whether to maintain a checking account in a commercial bank, or to deposit its "active funds" in a savings account from which it can readily withdraw funds by means of negotiable orders of withdrawal. For the same reason—elimination of unnecessary distinctions between banks and savings and loan institutions—Licensees are authorized to invest idle funds in certificates of deposit (maturing in not more than one year) issued by any institution insured by FDIC or FSLIC or in a time savings account in any such institution, subject to a withdrawal limitation not to exceed one year.

One comment was received with respect to the requirement in § 107.101(d)(2) that Licensees licensed on or after October 1, 1979 have not less than $500,000 in private paid-in capital and paid-in surplus. This requirement is mandated by Pub. L. 95–507, which raised the statutory minimum private capitalization required for issuance of a License from $150,000 to $500,000, effective October 1, 1979. SBA has consistently interpreted § 302(a) of the Small Business Investment Act, as amended, to require every applicant for a License to have not less than the statutory minimum of private funds in its paid-in capital and paid-in surplus. The Congress has never amended § 102 of the Small Business Investment Act, which states that the policy of the Act is "to stimulate and supplement the flow of private equity capital and long-term loan funds" to small business and expressly provides "That this policy shall be carried out in such manner as to insure the maximum participation of private financing sources."

Objection was also expressed concerning the requirement that a Licensee that has sold Preferred

Securities to SBA in an amount in excess of 100 percent of its Private Capital maintain its portfolio of Qualified Investments at a level equal to that by which the amount of Preferred Securities sold to SBA exceeds 100 percent of its Private Capital. While SBA acknowledges that this requirement may be burdensome to certain Licensees, Congress made "second tier" Preferred Securities leverage available only to those Licensees willing to provide equity and subordinated debt financing available to small business. It would be inconsistent with Congressional intent to permit Licensees that had sold "second tier" Preferred Securities to SBA to cease, for any significant period thereafter, to serve as a source of equity and subordinated debt financing to small business. The regulation as proposed and adopted makes provision for a Licensee's temporary retention of excess "second tier" Preferred Securities leverage.

The proposed regulations published on April 10, 1979 (44 FR 21293) are adopted without change.

Pursuant to the authority contained in section 308 of the Small Business Investment Act of 1958, as amended, 15 U.S.C. 661, *et. seq.*, and Pub. L. 95–507, 92 Stat. 1757, October 24, 1978, Part 107, Chapter I of Title 13, Code of Federal Regulations is amended as follows:

1. Section 107.3 is amended as follows:

§ 107.3 Definition of terms.

* * * * *

Section 301(d) Licensee. "Section 301(d) Licensee" means a Licensee organized under a State business or nonprofit corporation statute, or a limited partnership organized pursuant to § 107.4 and licensed pursuant to Section 301(d) of the Act, the investment policy of which is limited to making investments solely in small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantage.

2. Section 107.4(a) is amended as follows:

§ 107.4 Limited partnership SBIC.

(a) *General.* A limited partnership organized under State law solely for the purpose of performing the functions and conducting the activities contemplated under the Act may apply for a license pursuant to Section 301(c) or Section 301(d) of the Act.

3. Section 107.101(d) is amended to read as follows:

§ 107.101 Operational requirements.

* * * * *

(d) *Minimum Capital*—(1) *General.* Every Licensee shall have:

(i) Private Capital of at least $150,000 (For consideration for issuance of Licensee's securities see § 107.805(a)): *Provided, however,* That Private Capital of at least $500,000 shall be required for licensing on or after October 1, 1979; and

(ii) Taking additional resources into account, adequate to assure a reasonable prospect that it will be operated soundly and profitably, and managed actively and prudently in accordance with the Act and regulations. No exceptions to the $500,000 requirement may be granted for any reason whatsoever, including the filing of an application before October 1, 1979.

(2) *Nonprivate funds for licensees.* (i) A Licensee may include nonprivate funds (e.g., funds granted under Title VII of the Community Services Act of 1974, as amended) in its Private Capital for purposes of sections 302(a), 303(c), and 306 of the Act: *Provided, however,* That the minimum capital of $150,000 ($500,000 on or after October 1, 1979) specified by section 302(a)(1) of the Act may not include nonprivate funds and that for leverage purposes nonprivate funds will be included in Private Capital only to the extent that private funds totaling at least ten percent of the nonprivate funds are also included.

(ii) For purposes of this paragraph (d)(2), "nonprivate funds" shall mean funds obtained, directly or indirectly, from another agency or department of the Federal Government or from any State or subdivision thereof, except as limited by Pub. L. 92–512 (commonly known as the General Revenue Sharing Act) and regulations of the Treasury Department, 31 CFR Part 51.

4. Section 107.205 is amended as follows:

§ 107.205 Leverage for Section 301(d) Licensees.

(a) *General.* SBA may provide leverage to any section 301(d) Licensee through the purchase or guaranty of debentures, or to a Section 301(d) Licensee organized as a corporation, through the purchase of nonvoting preferred stock (or nonvoting preferred securities other than stock, but only if applicable law precludes the issuance of nonvoting preferred stock) pursuant to application filed under § 107.201(a)(2).

(b) *Charter Requirements for Leveraging.* No leverage will be extended to any section 301(d) Licensee unless the following matters are appropriately provided for in the Licensee's Charter.

(1) *Investment Policy.* Statement of Investment Policy in conformity with section 301(d) of the Act.

(2) *Prior SBA approval to amend charter.* The charter shall not be amended without SBA's prior written approval.

(3) *Additional charter requirements for nonvoting preferred Securities Leverage.* No nonvoting preferred securities may be purchased by SBA from any corporate section 301(d) Licensee unless its charter makes appropriate provision for the following additional matters:

(i) *Payment of dividends to SBA.* Subject to the sound discretion of the board of directors, SBA shall be paid from retained earnings an annual three percent dividends on the par value of its preferred securities. Such dividends shall be payable before any amount shall be set aside for or paid to any other class of stock, and shall be preferred and cumulative, so that in the event SBA has received less than three percent in any fiscal year, such dividends shall be payable on a preferred basis from subsequent retained earnings without interest thereon. Before any declaration of dividends or any distribution (other than to SBA), all dividends accumulated and unpaid on preferred securities issued to SBA shall be paid.

(ii) *Redemption rights.* A section 301(d) Licensee shall be entitled at its option to redeem in whole or in part preferred securities purchased by SBA, on any dividend date (after giving SBA at least thirty days' written notice) by paying SBA the par value of such securities, but not less than $50,000 par value in any one transaction, and any dividends accumulated and unpaid to the date of redemption.

(iii) *Redemption, liquidation, or distribution of assets.* Before any redemption of securities not purchased by SBA, or liquidation in whole or in part, or any distribution of assets to other stockholders, SBA shall be paid any amounts due pursuant to paragraph (b)(3)(i) of this section, and the par value of its preferred securities: *Provided, however,* That such par value need not be paid to SBA before the distribution of ordinary dividends from retained earnings.

(c) *Sale of debentures to SBA.* Debentures purchased by SBA but not debentures guaranteed by SBA pursuant to section 303(c) of the Act, shall be entitled to a reduced interest rate determined according to Section 317 of the Act. Such debentures shall specify

the interest rates prescribed by sections 317 and 303(b) of the Act, together with the dates between which each applies. With respect to payment of interest SBA shall have the same priority as applies to debentures purchased or guaranteed under section 303(b) of the Act.

(d) *Preferred Securities Leverage in Excess of 100 percent*—(1) *General.* Subject to the following restrictions, SBA is authorized to purchase preferred securities in amounts in excess of 100 percent of Private Capital, but not in excess of 200 percent of Private Capital:

(i) From any corporate section 301(d) Licensee licensed on or before October 13, 1971; or

(ii) From any corporate section 301(d) Licensee licensed after October 13, 1971, and having Private Capital of $500,000 or more. SBA has no authority to purchase preferred securities in excess of 100 percent of Private Capital from any corporate section 301(d) Licensee licensed after October 13, 1971, if the Private Capital of such Licensee is less than $500,000.

(2) *Qualified Investments.* In no event shall the amount of preferred securities purchased by SBA in excess of 100 percent of Private Capital exceed the amount of the Licensee's funds invested in, or legally committed to, Qualified Investments. As used herein, "Qualified Investments" means, subject to §§ 107.302 and 107.901, stock of any class (including preferred stock) or limited partnership interests in eligible small concerns, or shares of any eligible syndicate, business trust, joint stock company or association, mutual corporation, cooperative or other joint venture for profit; or unsecured debt instruments which are subordinated by their terms to all other borrowings (as distinquished from all other debts and obligations) of the issuer.

(3) *Maintenance of Qualified Investment Portfolio.* Any Licensee that has sold preferred securities to SBA in excess of 100 percent of its Private Capital shall maintain its portfolio of Qualified Investments at not less than the amount of such preferred securities. If, as of the end of its fiscal year, the amount of such Licensee's Qualified Investments is less than the amount required by this paragraph (d)(3), of this section, the Licensee shall be deemed in violation of these regulations unless Licensee redeems promptly such excess securities, or unless SBA shall authorize temporarily a lesser amount of Qualified Investments. Such authorization may be granted in appropriate cases such as prepayment or revaluation of Qualified Investments.

(4) *Need for funds.* SBA may require any Licensee offering preferred securities in excess of 100 percent of its Private Capital to demonstrate a need for such funds.

(e) *SBA approval required to increase salaries.* Without prior written SBA approval, a section 301(d) Licensee may not increase the aggregate amount of salaries or other compensation of officers, directors, or employees beyond the amount previously approved by SBA. In applying this provision, compensation to officers, directors, or employees of a wholly-owned corporation shall be deemed paid by Licensee.

(f) *Exchange of outstanding debentures for Preferred Stock.* Subject to the conditions applicable to the issuance of preferred securities to SBA, a section 301(d) Licensee may, in SBA's discretion, retire debentures against issuance of preferred securities to SBA. A section 301(d) Licensee proposing to exchange its outstanding debentures shall be required to pay SBA all unpaid interest accruing to the date of the exchange.

(g) *State law.* SBA does not intend that provisions of this section not mandated by the Act shall supersede existing State law. Whenever a party claims that a conflict exists, it shall submit an opinion of independent counsel, citing authorities, for SBA's resolution of the issues involved.

5. Section 107.808 is amended as follows:

§ 107.808 Deposits and Investment of Idle Funds.

Except as hereinafter set forth, all funds of a Licensee shall be deposited without delay in an account in a financial institution insured by the Federal Deposit Insurance Corporation (FDIC) or by the Federal Savings and Loan Insurance Corporation (FSLIC). Funds of a Licensee not invested in Small Concerns and not reasonably needed for its day-to-day operations shall be invested in (a) direct obligations of, or obligations guaranteed as to principal and interest by, the United States; or (b) in certificates of deposit maturing within one year or less, issued by an institution insured by the FDIC or FSLIC; or (c) deposited in a savings account subject to a withdrawal restriction not to exceed one year in any institution insured by the FDIC or FSLIC: *Provided, however,* That a Licensee may maintain a petty cash fund of up to $500.

(Catalog of Federal Domestic Assistance Program No. 59.011. Small Business Investment Companies)

Dated: July 26, 1979.

A. Vernon Weaver,

Administrator.

[FR Doc. 79-23754 Filed 7-31-79; 8:45 am]

BILLING CODE 8025-01-M

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13 CFR Part 108

[Rev. 4; Amdt. 8]

Loans to State and Local Development Companies; Participation by Development Companies

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: In order to assist small business development, local development companies need community support to enable such companies to marshall the planning, economic, and financial capabilities of the community. Pursuant to recently enacted legislation, the Small Business Administration (SBA), by this regulation will expand the sources and amounts of community funds which may be injected into local development companies.

EFFECTIVE DATE: June 1, 1979.

FOR FURTHER INFORMATION CONTACT: Alan B. Abraham, Financial Analyst, Neighborhood Business Revitalization, Small Business Administration, Washington, D.C. 20416, 202-653-6375.

SUPPLEMENTARY INFORMATION: Pub. L. 95-507, section 112 amended Section 502 of the Small Business Investment Act of 1958, as amended, by adding at the end of paragraph (4) thereof the following new sentence: "Community injection funds may be derived, in whole or in part, from (A) State or local governments; (B) banks or other financial institutions; (C) foundations or other not-for-profit institutions; or (D) a small business concern (or its owners, stockholders, or affiliates) receiving assistance through bodies authorized under this title."

On March 2, 1979, a notice of proposed rule making was published in the **Federal Register** (44 FR 11787), implementing the legislation by expanding the sources and amounts of community funds which may be injected into local development companies (LDC). Interested parties were given an opportunity to submit comments by May 2, 1979. The comments, while generally supportive of the regulation, expressed the need to clarify the circumstances under which a small business concern (SBC) may provide more than 25 percent of the LDC's injection. This rule adopts the regulation as proposed while clarifying such circumstances.

The regulation, as revised, states the circumstances under which an SBC may provide more than the previously authorized amount of the LDC's injection. For example, an SBC would be able to provide more than 25 percent of the development company's injection if the proposed project consists of four or more SBC's which are located in a target area, or in an area of socially and economically disadvantaged groups, or when the SBC's have been dislocated by Federal or State construction, urban renewal or similar activity.

The regulation also sets forth the conditions under which funds contributed or loaned by State or local governments, banks or other financial institutions, or SBC's (or their owner, stockholders, or affiliates) may be considered to be the LDC's paid-in capital. For example, such payments may not be conditioned on the granting of voting rights or stock options, among other things.

Accordingly, pursuant to authority contained in Section 308(c) of the Small Business Investment Act of 1958 (SBI Act), 15 U.S.C. 687, as amended Part 108 of Title 13, CFR, is amended as follows:

1. Section 108.502 is revised to read as follows:

§ 108.502 Statutory provisions.

The relevant statutory provisions will be found at 15 U.S.C. 696.

2. Section 108.502–1 is amended by redesignating present paragraph (e) as (e)(1) and adding new subparagraphs to read as follows:

§ 108.502–1 Section 502 loans.

* * * * *

(e) *Participation by the development company.* * * *

(2) Paid-in capital may also be derived, by way of example and not of limitation, from money contributed to the development company by State or local governments, banks or other financial institutions, or the small business concern (or its owners, stockholders or affiliates) receiving assistance from the local development company.

(3) Contributions or loans to a local development company from any source may not be conditioned on the granting of voting rights, stock options, or any other type of pecuniary interest in or control of the development company or the small business concern being assisted.

(4) A small business concern (its owners, stockholders, affiliates or associates) or anyone with pecuniary interest in the project may provide more than 25 percent of the development company's required injection provided that the development company, (i) has demonstrated a broad base of community participation and a depth of organization which assures continued operation, (ii) has participated in two or more projects and, (iii) is unable to raise funds from other sources. Upon compliance with these circumstances, a small business concern may provide up to 100 percent of the development company's injection. The local development company and the lender or SBA must determine that furnishing an increased share of the injection will not adversely affect the working capital position of such small business concern.

(5) A small business concern may also provide more than 25 percent of the development company's required injection when the development company's proposed project involves multiple small business concerns (four or more) which are located in a target area (neighborhood revitalization, etc.) or an area of socially and economically disadvantaged groups or when the small business concerns have been dislocated by Federal or State construction, urban renewal or similar causes.

Dated: July 25, 1979.

(Catalog of Domestic Assistance Programs No. 59.013 State and Local Development Company Loans)

A. Vernon Weaver

Administrator.

[FR Doc. 79–23755 Filed 7–31–79; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Big Cypress National Preserve, Florida; Establishment of Special Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The regulations set forth below are necessary to implement the provisions of the Act of October 11, 1974 (88 Stat. 1258, 16 U.S.C. 698f et seq.), establishing Big Cypress National Preserve. The Act requires the Secretary of the Interior to publish such rules and regulations as he deems necessary and appropriate to limit or control the use of Federal lands and waters with respect to: Motorized vehicles; exploration for and extraction of oil, gas, and other minerals; grazing; draining or constructing of works or structures which alter the natural water courses; agriculture; hunting, fishing, and trapping; new construction of any kind; and such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of the Act.

Since Congress provided that the above uses, nontraditional in units of the National Park System, may be permitted when they do not interfere with the natural and historic significance of the area, it is necessary to exempt Big Cypress National Preserve from many of the restrictions now imposed by the general regulations governing the operation and use of the National Park System. The publication of these special regulations will modify the application of the general regulations and eliminate any conflict between the administrative regulations found in Parts 1 through 6 of Title 36 of the Code of Federal Regulations and the Act of October 11, 1974 (88 Stat. 1258) establishing Big Cypress National Preserve.

These regulations do not address the benefits provided to the Miccosukee and Seminole Indian Tribes "to continue their usual and customary use and occupancy of Federal or federally acquired lands and waters within the preserve." These Tribal prerogatives, preserved by legislation, are currently under study and will be the subject of a separate Notice of Rulemaking.

EFFECTIVE DATE: August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Miele, Management Assistant, Everglades National Park, telephone: (305) 247–6211, Ext. 234 or Mr. Irvin L. Mortenson, Park Manager, Big Cypress National Preserve, telephone: (813) 262–1066.

Background

The Act of October 11, 1974 (88 Stat. 1258, 16 U.S.C. 698f et seq.), establishing the Big Cypress National Preserve provides in part, that "Such lands shall be administered * * * in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of this Act, and with the provisions of the Act of August 25, 1916 * * *". Section 4(b) of the Act, requires, in pertinent part, that the Secretary shall publish such other rules and regulations as he deems necessary and appropriate to limit or control the use of Federal lands and waters with respect to:

(1) Motorized vehicles.

(2) Exploration for and extraction of oil, gas, and other minerals.

(3) Grazing.

(4) Draining or constructing of works or structures which alter the natural water courses.

(5) Agriculture.

(6) Hunting, fishing, and trapping.

(7) New construction of any kind.

(8) Such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of the Act.

Lands managed by the National Park Service are subject to the relevant provisions of Title 16 of the United States Code and Title 36 of the Code of Federal Regulations. The regulations contained in Chapter One of Title 36 of the Code of Federal Regulations prescribe conditions for the proper use, management, and protection of the National Park System. The "general regulations" contained in Parts 1 through 6 and 8 through 10 of Chapter One apply to the federally owned or controlled lands within the Big Cypress National Preserve by virtue of its being part of the National Park System. Certain general regulations are inconsistent with the requirements of the Act of October 11, 1974, relating to hunting, off-road vehicle use and certain special resource uses such as the exploration and extraction of oil, gas and other minerals, grazing and agriculture. In addition, certain general regulations appear inappropriate for the special access needs of persons using or traversing preserve lands. These special regulations will provide relief from or otherwise modify the restrictions now imposed by Parts 1 through 6 of Title 36 of the Code of Federal Regulations.

Public Participation

The National Park Service began active public involvement in the development of these special regulations in 1976 with the preparation of an environmental assessment. This assessment was prepared after numerous public workshops and the analysis of written and oral comments. On December 5 and 6, 1978, public meetings were held in Homestead and Naples, respectively. National Park Service personnel were available prior to, during and after the public meetings to receive comments and discuss the proposed regulations.

A Notice of Proposed Rulemaking was published on January 29, 1979 (44 FR 5680). This proposed rulemaking identified the scope and intent of the proposed regulations and invited public comments, suggestions or objections. The public comment period began on January 30, 1979, and ended on March 30, 1979. Comments received after the closing date were reviewed and are included in this summary.

The National Park Service received a total of 375 written and oral comments. In addition, two petitions were received containing 4,515 and 1,359 signatures, many of which were duplications. The Service acknowledged in writing comments from 45 State and Federal legislators, and 260 other individuals. Nine people wrote 40 letters to Congressional Representatives and the National Park Service. One person wrote 10, and another wrote six identical letters. Three other individuals wrote four identical letters, and four others wrote three identical letters. Numerous comments were received that were not relevant to the rulemaking process or did not comment on the regulations.

The following businesses, organized groups, associations, or government agencies submitted comments: Florida Trail Association, Inc., Coalition of Concerned Citizens for Big Cypress Preserve, Madison Terminal Corporation, Sunniland Pipe Line Company, Inc., Everglades Conservation and Sportsmen Club, Inc., Florida Wildlife Federation, Greater Miami Shell Club, Southern Everglades Coon Hunters and Conservation Association, Florida Audubon Society, Izaak Walton League, Collier Company, Royal Bees, Inc., Florida Game and Fresh Water Fish Commission, Unified Sportsmen of Florida, National Audubon Society, Florida Four Weel Drive Association, American Hiking Society, Airboat and Halftrack Conservation Club of Palm Beach County, The Wildlife Conservation League of Palm Beach County, and the Florida Department of Transportation.

Analysis of Comments and Modification of Proposed Regulations

The majority of the public comments received indicated a preference for a particular type of use or activity on preserve lands or recommended that all or most of the ongoing public activities within the preserve should be allowed to continue. Generally, these comments were limited to a general statement of support or opposition for a particular land management issue. A few of the public comments, however, were more detailed and provided a substantive analysis of the factors supporting a preferred approach. The National Park Service has carefully considered the comments received and has adopted several suggestions. The following is a brief overview of some of the comments received.

1. *Additional public hearings.* A petition containing 4,515 signatures was submitted by the Coalition of Concerned Citizens for the Big Cypress Preserve stating, "We the citizens wish to reopen the public hearings regarding the traditional use of camps, buggies, and the proposed rules and regulations regarding the Big Cypress Preserve."

The Act of October 11, 1974, establishing the Big Cypress National Preserve provides for some traditional uses of the preserve when they do not conflict with the natural and historic significance of the area. These uses were discussed at four public workshops between 1976 and 1978, and two public meetings. Both written and oral comments have been received. The Federal rulemaking process has been followed to allow the public ample opportunity to make and submit statements. Therefore, additional public hearings will not be held for the regulations as set forth below. However, the public will be afforded an opportunity to review and comment on future revisions or additions to these regulations.

2. *Preparation of an Environmental Impact Statement.* Twenty-six comments asked for the preparation of an Environmental Impact Statement. Most of these comments were directed toward the regulations causing an impact on the quality of the human environment.

The regulations and guidelines governing the preparation of Environmental Impact Statements (EIS) are found in Part 1500 of Title 40 of the Code of Federal Regulations. Section 1500.1 requires:

> That all Federal agencies, to the fullest extent possible, direct their policies, plans and programs to protect and enhance environmental quality. Agencies are required to view their actions in a manner calculated to encourage productive and enjoyable harmony between man and his environment, to promote efforts preventing or eliminating damage to the environment and biosphere and stimulating the health and welfare of man, and to enrich the understanding of the ecological systems and natural resources important to the Nation. The objective of section 102(2)(C) of the Act and of these guidelines is to assist agencies in implementing these policies. This requires agencies to build into their decisionmaking process, beginning at the earliest possible point, an appropriate and careful consideration of the environmental aspects of proposed action in order that adverse environmental effects may be avoided or minimized and environmental quality previously lost may be restored.

The National Park Service began this rulemaking process in 1975. Since that

time numerous studies, meetings and forums have been used in the preparation of an environmental assessment. The assessment considers the nature of the resources, available alternatives, their impacts, mitigating values, adverse effects, a description of the alternative selected as the proposed action, and additional considerations that provide a basis for the conclusion that an Environmental Statement is not needed. These special regulations are designed to avoid, minimize, or control adverse impacts and to restore environmental quality to Big Cypress National Preserve. Rather than introduce programs or activities that would result in undesirable environmental consequences, these regulations serve to control many of the previously unrestricted uses that were causing adverse environmental effects. Since economic and social effects are not intended by themselves to require an EIS and the environmental assessment process did not indicate significant environmental impact, an Environmental Impact Statement will not be prepared.

3. *Hunting.* Numerous comments were directed toward hunting activities. A petition containing 1,359 signatures asked that a Bob Cat, Fox, and Raccoon hunting season be established. The petition also requested a Deer hound training and conditioning season. Twenty-four persons asked to use dogs year-round. Three wanted raccoon hunting to be continued, and two wanted no trapping in the Preserve. One commenter wanted additional and stricter hunting regulations. One wanted the State to manage hunting while another thought that the State enforcement activities should be monitored. Five commenters wanted the allowance of tree stands, another wanted to restrict the use of firearms to hunting season only. Another commenter wanted to allow permanent residents the use of guns and dogs year-round.

In accordance with the Act of October 11, 1974, hunting and fishing regulations are developed in consultation between the National Park Service and the Florida Game and Fresh Water Fish Commission. There is a mutual agreement between the National Park Service and the Florida Game and Fresh Water Fish Commission to manage the preserve as a Cooperative Wildlife Management Area Unit governed by Florida Regulations 16E–802.

Public hearings are held annually and rules are published each season by the Florida Game and Fresh Water Fish Commission. The comments received by the public concerning hunting and fishing activities within the Wildlife Management Areas of the preserve are reviewed and considered by the two agencies prior to the development of annual hunting and fishing rules. By this method, hunting and fishing regulations can be addressed more flexibly and effectively under the agreement already in force with the Florida Game and Fresh Water Fish Commission.

4. *Snail Collection.* Ten commenters asked to collect tree snails (Liguus Fasciatus). Comments from three expert conchologists indicate that collecting snails in the preserve will not adversely affect the snail population. Some of these commenters also suggested a limit and a season, October 1 to May 31. Snail collecting has been discussed with the State and will be permitted under Game Management Area rules. Section 7.86(e) has been appropriately amended to authorize the gathering of snails.

5. *Hog Hunting.* Two commenters wanted hogs restocked or released. This request was not adopted as restocking exotic species is contrary to National Park Service policy.

6. *Motorized Vehicles.* Numerous comments were received relative to motorized vehicles. Sixty-six were against any limits on vehicles. Several of these included objections to proposal (3)(i)(C), which prohibited riding outside a motorized vehicle. Nine said that the present use of vehicles does not damage the preserve. Nine others wanted vehicles limited, and one said damage was apparent. One said that vehicle damage can't be helped while another said more detailed investigation is needed. Nineteen said that oil and gas exploratory vehicles cause the most damage. Four found the proposed regulations too vague. Fifty-one objected to paragraph (3)(i)(D) which prohibits the towing of a person on skiis, sleds, parachutes, etc. Fifteen objected to spark arrestors and lights. One did not want both Federal and State permits. One commenter wanted to add the words, "and removal" to paragraph (3)(i)(B) because they were not sure that the word "extraction" would include the removal of oil and gas after extraction. Two wanted the words "likely to cause" removed from paragraph (3)(i)(B). One wanted to mark trails for vehicles and close them alternatively each two years.

Some comments were directed to vehicle track and tire tread, weight and size restriction, etc. These comments were not pertinent to the proposal because sub-paragraph (3)(ii)(A) Vehicle Limitations and Equipment, has been reserved pending the result of research now in progress to determine if limitations are needed.

Several of the comments are adopted and changes have been made in the motorized vehicle regulations as follows:

The proposal (3)(i)(A) to require vehicle permits after December 21, 1979, has been changed to read, "December 31, 1980." This is due to the probability of not being able to implement the program of registering all vehicles before the next hunting season. The regulation is necessary to gather information on vehicles used in the preserve. Public notice will be given as to when and where permits will be available.

The proposal (3)(i)(B) has been changed to add the words, "and removal."

The proposal (3)(i)(C) has been deleted. The provisions of 36 CFR 4.14 provides for the prohibition of reckless or careless driving. This should provide adequate protection for vehicle passengers.

The proposal (3)(i)(D) is also deleted. These activities are found to be adequately regulated by provisions of 36 CFR 2.31 and 2.36.

The suggestion to delete the words, "or likely to cause" from subparagraph (3)(i)(B) was not adopted. This wording is necessary to comply with the provisions of E.O. 11644, as amended, to prevent damage from occurring to public lands.

The wording of subparagraph (2)(ii) has been changed to read, "Areas closed to motorized vehicles." Several commented that the previously proposed reading was confusing and misleading. The new wording does not change the meaning of the regulation.

The suggestion to withdraw the requirement of spark arrestors was not adopted because this regulation *may* be required during dry periods to prevent fires. The only other alternative would be to close the area to motorized vehicles during very high fire danger periods.

The comments suggesting the deletion of the requirement of lights on motorized vehicles was not adopted in the interest of safety.

Nineteen comments addressed damage caused by oil and gas exploratory vehicles. These activities are covered by 36 CFR Chapter I, Part 9, which became effective January 9, 1979. These regulations adequately control such activities.

Numerous comments were received concerning the regulations which allow the Superintendent to temporarily or permanently close an area. One wanted

any closure to be on a need basis. Six wanted to remove the broad language originally proposed in (2)(i)(D). One wanted a 90-day public notice and comment period. Three wanted more specific timeframes on temporary or permanent closing. Fourteen wanted the Superintendent to cousult with the Florida Game and Fresh Water Fish Commission before closing an area. Four wanted more public hearings on closures, while two protested the hearings. Three concurred with the closed areas. Eight wanted more protection for the Florida Trail; one wanted more specific crossing of the Florida Trail.

The comments relating to consultation with the State on closures are adopted. Subparagraph (2)(i)(D) has been changed to (2)(iii) and provides for consultation with the Execution Director, Florida Game and Fresh Water Fish Commission on both temporary and permanent closures.

Provisions of (2)(iii) insures that any closure will be made only on an as needed basis, therefore, no change is necessary to satisfy the comments relating to this subject.

The six comments suggesting removal of the broad language in (2)(i)(D) as originally proposed were not adopted. New subparagraph (2)(iii) is quite explicit as to how a determination must be made in order to close an area either temporarily or permanently. Also the Superintendent is required to consider all factors to conform with the criteria of E.O. 11644 (37 FR 2877), as amended.

The comment asking for a 90-day public notice and comment period was not adopted. Except where another statute requires a longer notice, the public will be given a minimum of 30 calendar days to comment on legislative rules as provided in 43 CFR Part 14. Even though a minimum 30-day period is prescribed, the National Park Service occasionally provides for a 60-day period for comments. The benefits to public participation which might be gained by extending the normal comment period would be offset by the delay and public uncertainty which a longer period would entail.

The comments concerning more specific timeframes for temporary closures were not adopted. It is not feasible to establish a timeframe because the nature of emergencies varies widely. The regulation on closures provides for consultation with the Executive Director of the Florida Game and Fresh Water Fish Commission, compliance with E.O. 11644, as amended, and a published notice for permanent closures, thereby assuring protection against arbitrary action by the National Park Service.

The comments requesting greater protection and more specific crossings for the Florida Trail have not been adopted. If it is demonstrated that further protection appears necessary, this need can be addressed in later amendments to these rules.

Two individuals and two sportsmen groups wanted the Loop area left open to motorized vehicles. Five conservation groups want it closed. The reason for the closing the area between the Loop Road (State Road 94) and the Tamiami Trail (U.S. Highway 41) to motorized vehicles is that both of these groups representing a number of individuals have expressed their interest in having part of the Big Cypress maintained as a pristine area for hikers and still hunters, free from the presence of dogs and recreational vehicles. This is a fragile, natural area that represents less then ten percent of the preserve. Preserving it for a large number of users interested in these pursuits is considered a reasonable response. Therefore, no change has been made in the regulation (2)(ii).

7. *Camps.* Fifteen commenters want to continue use of camps on property not owned by the camp owners. Three wanted them to be subject to a 25-year or life tenure as provided in the Act for exempt property. One wanted a five-year permit. Two agreed with the phase out rules as proposed.

Since the Act did not provide for the retention of camps on lands owned by the Federal Government, the phase-out procedure provides the most equitable solution. Therefore, only minor clarifying changes were made in (b) Camp Structures.

8. *Aircraft: Designated Landing Sites.* Three commenters wanted airstrips to remain. Four wanted them regulated by the Federal Aviation Administration (FAA). Two wanted the airstrips to be subject to the same cut-off dates as camps.

The National Park Service believes that the airstrips provide a valid low impact method of access to those persons holding camp permits. Therefore, in the majority of cases the permits for airstrip use will be subject to the same cutoff date as the permit for the use and occupancy of camp structures. The FAA does not license or regulate private airstrips. Therefore, no change is made in (c)(1). Three commenters wanted to allow the use of helicopters for all preserve users. Helicopters are considered in the same category as other aircraft and can be used at permitted airstrips in the same manner as fixed wing aircraft.

9. *Watershed Protection.* Two commenters stated that more monitoring of the water was needed. This is currently being done by the National Park Service. Five commenters wanted the Turner River and Alligator Alley Canals dammed. These comments cannot be reduced to regulations. Before considering any proposal to alter existing water flows, the Service will need additional research in excess of the present levels.

Remedial action is planned on the I–75 problem. The Florida Department of Transportation (FDOT) has received approval to locate the future extension of I–75 across south Florida by upgrading the present Alligator Alley (SR 84). They recognize the deficiencies in the structural design of Alligator Alley which has served to inhibit natural sheetlow drainage in this area of Florida. Accordingly, corridor location approval for this section of I–75 was granted by the Federal Highway Administration subject to a concurrent commitment by FDOT to correct those drainage deficiencies.The objective is to restore, as nearly as practical, natural drainage and water distribution patterns to the north and south of the roadway. Further consideration of Watershed Protection will be discussed when the reserved section (d)(1) is proposed.

Two commenters wanted a ban on the use of agricultural chemicals in the preserve. There are no large scale agricultural pursuits within the preserve. Graziers have to comply with a range management plan which does not allow the use of agricultural chemicals. Therefore, until research indicates that there is a need for regulation, (d)(1) will remain (Reserved) and (d)(2) will remain unchanged.

10. *Grazing.* Two commenters wanted to restrict the area to that being presently grazed. This is being done and no expansion will be permitted. One commenter wanted to ban the use of agricultural chemicals by graziers. This also is done under the range improvement plan which is required by the grazing permit. Therefore, no changes were made in (f) Grazing.

11. *Firefighting Plows.* Five commented on the damage done by firefighting, especially by the large plows that are used by the Florida Forest Service. The National Park Service does not use plows or bulldozers for fire control and has requested that the State refrain from this practice within the preserve. A regulation is not needed to control this activity.

12. *Exotic plants.* Two persons wanted camp permittees to remove exotic plants, and one wanted the

National Park Service to remove them. It is Park Service policy to remove exotic species. The National Park Service has an on-going research program to study the best methods of removing them. It is known that improper removal of some exotics can lead to their uncontrollable spread. Therefore, no action is comtemplated pending the outcome of the study.

13. *Future Rulemaking.* Two commenters wanted notices of proposed rulemaking to be published in the local newspapers. In addition to publishing notices of intent to propose rulemaking in the Federal Register, the National Park Service also sends press releases to the local newpapers, directly notifies interested parties, including State and local governments, and holds open conferences (workshops) or public hearings. Any future need for regulations will also follow this process.

14. *Agriculture.* Two commenters wanted beekeeping permits. Permits would be available only to beekeepers who can demonstrate a legal former use. Since there is no basis for permits at this time, a regulation is not needed.

Native American Rights

The regulations do not address the benefits provided to the Miccosukee and Seminole Indian Tribes by the Big Cypress Preserve Establishment Act (16 U.S.C. 698f et. seq., 88 Stat. 1258). The Act provides that members of the Seminole Tribe of Florida shall be permitted, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal or federally acquired lands and waters within the preserve, including hunting, fishing and trapping on a subsistence basis and traditional tribal ceremonies. These Tribal prerogatives, preserved by legislation, are now under study and will be the subject of a separate notice of rulemaking.

Drafting Information

The following National Park Service personnel were the primary authors of these regulations: John M. Good, Superintendent, Everglades National Park; Jack E. Stark, former Superintendent, Everglades National Park; Claude W. McClain, Assistant Superintendent, Everglades National Park; Ralph E. Miele, Management Assistant, Everglades National Park; Irvin L. Mortenson, Park Manager, Big Cypress National Preserve; and Michael V. Finley, Division of Ranger Activities and Protection, Washington, D.C.

Impact Analysis

The National Park Service has determined that these rules are not significant and do not require a regulatory analysis under Executive Order 12044; nor is it a major Federal action significantly affecting the quality of the human environment which would require preparation of an Environmental Impact Statement.

The regulations will limit and control certain activities which heretofore have been unrestricted and, since they will phase out some adverse uses of the preserve lands, they have little potential for causing a significant environmental impact.

An Environmental Assessment and Review of the Assessment are on file and available for inspection upon request at the Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349, and at the Superintendent's Office, Headquarters Building, Everglades National Park.

The assessment considers the nature of the resources, available alternatives, their impacts, mitigating values, adverse effects, a description of the alternative selected as the proposed action, and additional considerations that provide a basis for the conclusion that an Environmental Statement is not needed.

Effective Date

The regulations found in 36 CFR Parts 1 through 4 currently prohibit the landing of aircraft and the use of offroad vehicles in Big Cypress National Preserve. In order to provide relief from these restrictions and to adequately provide public safety, the National Park Service had determined that immediate implementation of these regulations is necessary. Therefore it is deemed both unnecessary and contrary to the public interest to delay the effective date for 30 days after this publication.

Authority

Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3); Act of October 11, 1974 (88 Stat. 1260, 16 U.S.C. 698i); 245 DM (27 FR 6395) as amended; National Park Service Order No. 77 (38 FR 7478, as amended).

Daniel J. Tobin, Jr.,

Associate Director, Management and Operations.

In consideration of the foregoing, Part 7 of Title 36 of the Code of Federal Regulations is amended by the addition of a new § 7.86 to read as follows:

§ 7.86 Big Cypress National Preserve.

(a) *Motorized Vehicles*—(1) *Definitions.* (i) The term "motorized vehicle" means automobiles, trucks, glades or swamp buggies, airboats, amphibious or air cushion vehicles or any other device propelled by a motor and designed, modified for or capable of cross country travel on or immediately over land, water, marsh, swampland or other terrain, except boats which are driven by a propeller in the water.

(ii) The term "operator" means any person who operates, drives, controls or has charge of a motorized vehicle.

(iii) The term "Preserve lands" means all federally owned or controlled lands and waters administered by the National Park Service within the boundaries of the Preserve.

(2) *Travel in Preserve areas.* (i) Unless closed or restricted by action of the Superintendent under sub-paragraph (iii), the following areas, which are shown on a map numbered BC–91–001, dated November 1975, and available for public inspection at the office of the Superintendent, are open to motorized vehicles:

(A) The area south and west of Loop Road (State Road #94)

(B) The area north of Tamiami Trail.

(ii) The following areas which are shown on a map numbered BC–91–001, dated November 1975, and available for public inspection at the office of the Superintendent, are closed to motorized vehicles:

(A) The areas between the Loop Road (State Hwy. #94) and the Tamiami Trail (U.S. Hwy. #41), except that the Superintendent may issue a permit to provide for reasonable access by legal residents or to provide access by authorized oil and gas companies.

(B) Big Cypress Florida Trail, Section 1, One marked main hiking trail, from Tamiami Trail to Alligator Alley; and the two marked loop trails are closed to the use of all motorized vehicles, except that vehicles may cross the trails.

(iii) The Superintendent may temporarily or permanently close or restrict the use of any areas and routes otherwise designated for use of motor vehicles, or close or restrict such areas or routes to the use of particular types of motor vehicles by the posting of appropriate signs, or by marking on a map which shall be available for public inspection at the office of the Superintendent, or both. In determining whether to close or restrict the uses of the areas or routes under this paragraph, the Superintendent shall be guided by the criteria contained in Sections 3 and 4 of E.O. 11644 (37 FR 2877) as amended, and shall also consider factors such as

other visitor uses, safety, wildlife management, noise, erosion, geography, vegetation, resource protection, and other management considerations. Prior to making a temporary or permanent closure the Superintendent shall consult with the executive director of the Florida Game and Fresh Water Fish Commission. Prior to instituting a permanent closure of an area or route, notice of such intention shall be published in the **Federal Register** and the public shall be provided a period of 30 days to comment.

(3) *Operations, Limitations and Equipment.*—(i) *Vehicle operation.* (A) Motorized vehicle permits shall be required after December 21, 1980.

(B) Motorized vehicles shall not be operated in a manner causing, or likely to cause, significant damage to or disturbance of the soil, wildlife habitat, improvements, cultural, or vegetative resources. Cutting, grading, filling or ditching to establish new trails or to improve old trails is prohibited, except under written permit where necessary in the exploration for, extraction or removal of oil and gas.

(ii) Vehicle Limitations and Equipment.

(A) [Reserved]

(B) The Superintendent, by the posting of appropriate signs or by marking on a map, which shall be available for public inspection at the office of the Superintendent, may require during dry periods, that a motorized vehicle or a particular class of motorized vehicle, operated off established roads and parking areas, shall be equipped with a spark arrestor that meets Standard 5100–1a of the Forest Service, U.S. Department of Agriculture, or the 80 percent efficiency level when determined by the appropriate Society of Automotive Engineers (SAE) Standard.

(C) A motorized vehicle, except an airboat, when operated off of established roads and parking areas during the period from one-half hour after sunset to one-half hour before sunrise, shall display at least one forward-facing white headlight and one red lighted taillight each of which shall be visible for a distance of 500 feet in their respective directions under clear atmospheric conditions.

(D) Airboats and amphibious vehicles shall fly a safety flag at least 10 inches wide by 12 inches long at a minimum height of 10 feet above the bottom of the vehicle or boat, and shall display one white light aft visible for 360° at a distance of 500 feet when running during the period from one-half hour before sunset to one-half hour after sunrise.

(b) *Camp Structures.* (1) Buildings or other structures on lands not owned by claimants to these structures existing prior to the effective date of these regulations, may be occupied and used by said claimants pursuant to a nonrenewable, nontransferrable permit. This use shall be for a maximum term of five (5) years from the date of Federal acquisition for preserve purposes of the land upon which the structures are situated or five years from the effective date of these regulations, whichever occurs first: *Provided, however,* That the claimant to the structures by application:

(i) Reasonably demonstrates by affadivit, bill of sale or other documentation proof of possessory interest or right of occupancy in the cabin or structure;

(ii) Submits a sketch and photograph of the cabin or structure and a map showing its geographic location;

(iii) Agrees to vacate or remove the structure from the preserve upon the expiration of the permit, and

(iv) Acknowledges in the permit that he/she has no interest in the real property.

(2) Structures built after the effective date of these regulations will be removed upon acquisition by the Federal Government of the lands upon which the structures are situated.

(3) Structures that are razed or destroyed by fire or storm, or deteriorate structurally to the point of being unsafe or uninhabitable shall not be rebuilt and the permit shall be cancelled. This shall not be deemed to prohibit routine maintenance or upkeep on an existing structure.

(4) The National Park Service reserves the right to full and unrestricted use of the lands under permit including, but not limited to, such purposes as managed hunting programs executed in accordance with applicable State Game and Fish laws and regulations, use of existing roads and trails, and unrestricted public access.

(c) *Aircraft: Designated Landing Sites.* (1) Except as provided below, aircraft may be landed in the preserve only at improved landing strips for which a permit has been issued and which were in existence and in usable condition at the time the lands were acquired for preserve purposes, or the effective date of these regulations, whichever occurs first. A permit may be issued to the former land owner or airstrip user upon application to the Superintendent. The application shall include a sketch showing location; a copy of the airstrip license, if any; a description of the size of strip, type of landing surface, height of obstructions, special markings; and a list of the camps served.

(2) A map showing the locations, size, and limitations of each airstrip designated under a permit shall be available for public inspection at the office of the Superintendent.

(3) Rotorcraft used for purposes of oil and gas exploration or extraction, as provided for in Part 9 Subpart B of this chapter, may be operated only in accordance with an approved operating plan or a permit issued by the Superintendent.

(d) *Watershed Protection.* (1) [Reserved]

(2) The provisions of all Federal and Florida statutes pertaining to protection of waters and watersheds are applicable to the lands and waters of the Preserve.

(e) *Hunting, Fishing, Trapping and Gathering.* (1) Hunting, fishing and trapping are permitted in accordance with the general regulations found in Parts 1 and 2 of this chapter and applicable Florida law governing Cooperative Wildlife Management Areas.

(2) The Superintendent may permit the gathering or collecting by hand and for personal use only of the following:

(i) Tree snails (Liguus Fasciatus)

(ii) [Reserved]

Provided, however, That under conditions where it is found that significant adverse impact on park resources, wildlife populations or visitor enjoyment of resources will result, the Superintendent shall prohibit the gathering, or otherwise restrict the collecting of these items. Portions of a park area in which restrictions apply shall be designated on a map which shall be available for public inspection at the office of the Superintendent, or by the posting of appropriate signs, or both.

(f) *Grazing.* (1) Grazing privileges shall be available under permit to owners or lessees who were actually using land within the Preserve for grazing purposes on October 11, 1974, or who elected to request a permit at the time the land was acquired for preserve purposes (See 36 CFR 5.16).

(2) Such permit may be renewed during the lifetime of the permittee or his spouse.

(3) The breach of any of the terms or conditions of the permit or the regulations applicable thereto shall be grounds for termination, suspension or denial of grazing privileges.

(4) Except as provided below, failure to use land under permit for grazing or to renew the permit shall automatically terminate the permit and grazing privileges. The Superintendent may issue a nonuse permit on an annual

basis not to exceed three consecutive years, except that nonuse beyond this time may be permitted if necessitated by reasons clearly outside the control of the permittee.

(5) Annual fees based on Departmental regulations (43 CFR 4125.1–1 (m)) will be charged for all livestock grazing upon preserve lands.

(6) Each permittee shall comply with the range management plan approved by the Superintendent for the area under permit.

(7) State laws and regulations relating to fencing, sanitation and branding are applicable to graziers using preserve lands.

(8) The National Park Service reserves the right to full and unrestricted use of the lands under permit including, but not limited to, such purposes as managed hunting programs executed in accordance with applicable State Game and Fish laws and regulations, use of existing roads and trails, unrestricted public access, and the right to revoke the permit if the activity is causing or will cause considerable adverse effect on the soil, vegetation, watershed or wildlife habitat.

(9) Corporations formed by owners or lessees who were actually using lands within the preserve for grazing purposes on October 11, 1974, may be issued annual permits for a period not to exceed twenty-five (25) years from the date of acquisition for preserve purposes.

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COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

Cost of Living Adjustment for Compulsory Royalty Rates Paid by Non-Commercial Broadcasting

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Tribunal announces that the cost of living adjustment to be applied to the compulsory royalty rates paid by non-commercial broadcasting for the use of certain copyrighted works is 10.8%.

EFFECTIVE DATE: September 1, 1979.

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

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 8, 1978 (43 FR 25068) the Copyright Royalty Tribunal published a final rule announcing the terms and rates of royalty payments to be paid by non-commercial broadcasting for the use of certain copyrighted works. In that rule § 304.10 stated that:

(a) On August 1, 1979 the CRT shall publish in the **Federal Register** a notice of the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) from the first Index published subsequent to the effective date of this schedule of royalty payments to the last Index published prior to August 1, 1979.

(b) On the same date of the notices published pursuant to paragraph (a), the CRT shall publish in the **Federal Register** a revised schedule of rates which shall adjust those royalty amounts established in dollar amounts according to the change in the cost of living determined as provided in paragraph (a). Such royalty rates shall be fixed at the nearest dollar.

(c) The adjusted schedule of rates shall become effective thirty days after publication in the **Federal Register.**

Accordingly, it is announced that the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) from the first Index published subsequent to June 8, 1978 to the last Index published prior to August 1, 1979, is 10.8%. (Last year's May Index was published June 30, 1979 and was 193.3; and this year's May Index was published June 26, 1979 and was 214.1.) The rates published in the **Federal Register** on June 8, 1978 (43 FR 25068) are revised as shown below.

37 CFR Part 304 is amended as follows:

§ 304.3 [Amended]

1. Section 304.3(a) is amended by deleting the figure "$1,250,000" and inserting "$1,385,000."

2. Section 304.3(d) is amended by deleting the figure "$4,000" and inserting "$4,432."

§ 304.4 [Amended]

3. Section 304.4(a) is amended by deleting the paragraph containing dollar amounts and inserting the following:

For the performance of such a work in a feature presentation of PBS	$111
For the performance of such a work as background or theme music in a PBS program	28
For the performance of such a work in a feature presentation of NPR	11
For the performance of such a work as background or theme music in a NPR program	3
For the performance of such a work in a feature presentation of a station of PBS	39
For the performance of such a work as background or theme music in a program of a station of PBS	11
For the performance of such a work in a feature presentation of a station of NPR	6
For the performance of such a work as background or theme music in a program of a station of NPR	2

§ 304.5 [Amended]

4. Section 304.5(c) is amended by deleting the paragraphs containing dollar amounts and inserting the following:

For all such compositions in the repertory of ASCAP, annually	$100
For all such compositions in the repertory of BMI, annually	100
For all such compositions in the repertory of SESAC, annually	22
For the performance of any other such composition	1

§ 304.6 [Amended]

5(a). Section 304.6(c)(1) is amended by deleting the paragraphs containing dollar amounts and inserting the following:

For all such compositions in the repertory of ASCAP, annually	$200
For all such compositions in the repertory of BMI, annually	200
For all such compositions in the repertory of SESAC	45
For the performance of any other such composition	1

(b) Section 304.6(c)(2) is amended by deleting the paragraphs containing dollar amounts and inserting the following:

For all such compositions in the repertory of ASCAP, annually	$500
For all such compositions in the repertory of BMI, annually	500
For the performance of any other such composition	1

6. In § 304.7(b)(1)–(4) the paragraphs containing the dollar amounts are deleted and the following inserted in lieu:

§ 304.7 Recording rights, rates and terms.

* * * * *

(b) *Royalty rate.*

(1) * * *

Feature	$55.00
Feature (concert) (per minute)	17.00
Background	28.00
Theme: Single program or first series program	28.00
Other series program	11.00

(2) * * *

Feature	$11.00
Feature (concert) (per ½ hour)	17.00
Background and theme	3.00

(3) * * *

Feature	$22.00
Feature (concert) (per minute)	6.00
Background	11.00
Theme: Single program or first series program	11.00
Other series program	6.00

(4) * * *

Feature	$6.00
Feature (concert) (per ½ hour)	8.00
Background and theme	2.00

* * * * *

7. Section 304.8(b)(1) is revised to read as follows:

§ 304.8 Terms and rates of royalty payments for the use of published pictorial, graphic, and sculptural works.

* * * * *

(b) *Royalty rate.* (1) The following schedule of rates shall apply to the use of works within the scope of this section:

For such uses in a PBS distributed program:

For a feature display of a work	$33
For background and montage display	17
For use of a work for program identification or for thematic use	66
For the display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced, irrespective of whether the reproduced work of fine art is copyrighted so as to be subject also to payment of a display fee under the terms of this schedule	22

For such uses in other than PBS distributed programs:

For a featured display of a work	$22
For background and montage display	11
For use of a work for program identification or for thematic use	45
For the display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced, irrespective of whether the reproduced work of fine art is copyrighted so as to be subject also to payment of a display fee under the terms of this schedule	11

* * * * *

Douglas Coulter,

Chairman, Copyright Royalty Tribunal.

[FR Doc. 79-23727 Filed 7-31-79; 8:45 am]

BILLING CODE 1410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 1

[FRL 1276-1]

Statement of Organization and General Information; Amendment

Correction

In FR Doc. 79-22229 appearing on page 41778 in the issue of July 18, 1979, in the third column, the amendment for § 1.25 should read as follows:

§ 1.25 [Amended]

In Subpart B, § 1.25(c) is amended by changing "Office of Federal Activities" to the "Office of Environmental Review".

BILLING CODE 1505-01-M

40 CFR Part 162

[FRL 1264-8; OPP-30017C]

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; Pesticide Use Restrictions

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Final rule.

SUMMARY: This final rule amends 40 CFR 162.31 by adding certain uses of additional active ingredients which the Agency has classified for restricted use under the optional procedures of 40 CFR 162.30.

EFFECTIVE DATE: August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Walter Waldrop (TS-770), Office of Pesticide Programs, Environmental Protection Agency, 499 South Capitol Street, S.W., Marfair Building, 3rd Floor, Washington, D.C. 20460 (202-472-9403).

SUPPLEMENTAL INFORMATION: On January 9, 1979, notice was published in the **Federal Register** (44 FR 1991) of a proposal to amend 40 CFR 162.31 by adding certain uses of additional active ingredients which the Agency proposed to classify for restricted use under the optional procedures of 40 CFR 162.30. The purpose of that notice was to notify the public and solicit comments on the proposed use restrictions.

It is important to note that this regulation only classifies uses for restricted use. If a use is not classified for restricted use by this regulation, it does not mean that it is classified for general use under Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA); it merely means that the use has not yet been classified for either general use or restricted use. The Agency is not classifying uses for general use by regulation primarily because such a decision requires an evaluation of chronic data. Review of chronic data has not been a part of classification by regulation since much of that data has yet to be generated and submitted to the Agency.

The Agency has also indicated that certain uses and/or formulations are "under evaluation". It has applied this term to those uses/formulations that are still under active review for purposes of classification by regulation. The practical effect of a use/formulation being designated "under evaluation" is the same as that of "unclassified", i.e. such use/formulation will still be generally available to all consumers. Further, any use/formulation that is "under evaluation" would require no action on the part of any potentially affected registrant. A final classification determination of those uses/formulations which are "under evaluation" *may* be made through these optional classification-by-regulation procedures or may be deferred until the time of reregistration.

Any product use classified for restricted use under these regulations is limited to use by or under the direct supervision of a certified applicator.

Registrants of pesticide products with uses classified for restricted use by this final rule must comply with the requirements of 40 CFR 162.30 within the deadlines specified in those regulations.

Four public comments were received on the proposed regulation. Two comments were of a general nature and two comments related to specific proposed restricted use classification decisions. One general comment was from the United States Department of the Interior and expressed agreement with the proposed restrictions; the second general comment urged additional requirements for applicators pertaining to recordkeeping and liability insurance. One comment concerning a specific classification decision objected to the proposed restriction of the granular formulation of carbofuran for use on rice. In summary, the registrant cited an absence of reported incidents as support for not classifying the rice use as restricted. However, the Agency has reviewed certain other data that shows that field mortality of both aquatic and avian organisms has occurred from the use of carbofuran in rice fields. Therefore, in order to afford the registrant an opportunity to review and comment on this other data, the Agency is reproposing the classification for restricted use of the carbofuran use on rice in the proposed regulation that is being issued simultaneously with this final regulation. The second comment concerning a specific classification decision objected to the proposed restriction of the indoor (greenhouse) uses of endosulfan. Independent of this objection the Agency has decided to withdraw all proposed endosulfan restrictions because studies are currently under consideration relating to the ability of test animals to metabolize endosulfan. This may result in changes in some of the proposed restrictions since many of these restrictions are

based on residues expected to be found in mammalian feed. Since these studies potentially may pertain to a large number of products, the Agency determined that it was appropriate to withdraw all the proposed endosulfan restrictions and to evaluate the test results before making a final decision. Any uses of endosulfan that warrant restriction will be re-proposed at a later date.

Regulatory Analysis

The Agency has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under Executive Order 12044.

Evaluation Plan

Section 2(d)(8) of Executive Order 12044 requires that each new significant regulation have a plan for evaluating its effectiveness. All restricted use classification decisions promulgated under this final rulemaking will be reviewed by the Agency at the time of reregistration as part of the overall risk-benefit analysis to be undertaken at that time. For a discussion of the difference between that overall risk-benefit analysis, and the incremental risk-benefit analysis performed under the Optional Procedures of 40 CFR 162.30, see the preamble to the Optional Procedures at 42 FR 44170.

Statutory Review

The U.S. Department of Agriculture has reviewed the final regulation in accordance with Section 25(a) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and concurs with its publication in the **Federal Register.** The FIFRA Scientific Advisory Panel reviewed the final regulation in accordance with Section 25(d) of FIFRA and unanimously concurred with its publication in the **Federal Register.**

(Secs. 3, 25(a), Federal Insecticide, Fungicide and Rodenticide Act as amended (7 U.S.C. 136 et seq.))

Dated: July 26, 1979.

Barbara Blum,

Administrator.

Section 162.31 is amended by alphabetically inserting the following items in the table and by revising the word "Classification" in the table heading to read "Classification [2]" as follows:

§ 162.31 Pesticide use classification.

The following uses of pesticide products containing the active ingredients specified below have been classified for restricted use and are limited to use by or under the direct supervision of a certified applicator.

Active ingredient	Formulation	Use pattern	Classification [1]	Criteria influencing restriction
*	*	*	*	*
Carbofuran	All concentrate suspensions and wettable powders 40% and greater.	All uses	Restricted	Acute inhalation toxicity.
	All granular formulations	Rice	Under evaluation	
	All granular and fertilizer formulations	All uses except rice	Under evaluation	
Chlorfenvinphos	All concentrate solutions or emulsifiable concentrates 21% and greater.	All uses (domestic and non-domestic).	Restricted	Acute dermal toxicity.
Clonitralid	All wettable powders 70% and greater	All uses	Restricted	Acute inhalation toxicity.
	All granulars and wettable powders	Molluscide uses	Restricted	Effects on aquatic organisms.
	Pressurized sprays 0.55% and less	Hospital antiseptics	Unclassified	
*	*	*	*	*
Dioxathion	All concentrate solutions or emulsifiable concentrates [3] greater than 30%.	All uses	Restricted	Acute dermal toxicity.
	Concentrate solutions or emulsifiable concentrates [3] 30% and less and wettable powders 25% and less.	Livestock and Agricultural uses (non-domestic uses only).	Unclassified	
	All solutions [3] 3% and greater	Domestic uses	Restricted	Acute dermal toxicity.
	2.5% solution [3] with toxaphene and malathion	All uses	Under evaluation	
Disulfoton	All emulsifiable concentrates 65% and greater, all emulsifiable concentrates and concentrate soluitons 21% and greater with fensulfothion 43% and greater, all emulsifiable concentrates 32% and greater in combination with 32% fensulfothion and greater.	All uses	Restricted	Acute dermal toxicity. Acute inhalation toxicity.
	Non-aqueous solution 95% and greater	Commercial seed treatment	Restricted	Acute dermal toxicity.
	Granular formulations 10% and greater	Indoor uses (greenhouse)	Restricted	Acute inhalation toxicity.
	All granular and fertilizer formulations including cartridge injection.	All uses except indoor greenhouses	Under evaluation	
*	*	*	*	*
Ethoprop	Emulsifiable concentrates 40% and greater	All uses	Restricted	Acute dermal toxicity.
	All granular and fertilizer formulations	All uses	Under evaluation	
*	*	*	*	*
Fenamiphos	Emulsifiable concentrates 35% and greater	All uses	Restricted	Acute dermal toxicity.
	All granular formulations	All uses	Under evaluation	
Fensulfothion	Concentrate solutions 63% and greater, all emulsifiable concentrates and concentrate solutions 43% and greater with disulfoton 21% and greater, all emulsifiable concentrates 32% and greater in combination with disulfoton 32% and greater.	All uses	Restricted	Acute dermal toxicity. Acute inhalation toxicity.
	Granular formulations 10% and greater	Indoor uses (greenhouse)	Restricted	Acute inhalation toxicity.
	All granular and fertilizer formulations	All uses except indoor greenhouses	Under evaluation	
*	*	*	*	*
Fonofos	Emulsifiable concentrates 44% and greater	All uses	Restricted	Acute dermal toxicity.
	Emulsifiable concentrates 12.6% and less with pebulate 50.3% and less.	Tobacco	Unclassified	
	All granular and fertilizer formulations	All uses	Under evaluation	
*	*	*	*	*
Monocrotophos	Liquid formulations 19% and greater	All uses	Restricted	Residue effects on avian species. Residue effects on mammalian species.

Active ingredient	Formulation	Use pattern	Classification [1]	Criteria influencing restriction
	Liquid formulations 55% and greater	All uses	Restricted	Acute dermal toxicity. Residue effects on avian species. Residue effects on mammalian species.
*	*	*	*	* *
Phorate	Liquid formulations 65% and greater	All uses	Restricted	Acute dermal toxicity. Residue effects on avian species (applies to foliar applications only). Residue effects on mammalian species (applies to foliar application only).
	All granular formulations	Rice	Restricted	Effects on aquatic organisms.
	All granular and fertilizer formulations	All uses except rice	Under evaluation	
Phosacetim	Baits 0.1% and greater	All uses	Restricted	Hazard to non-target species. Residues effects on mammalian species. Residue effects on avian species.
Phosphamidon	Liquid formulations 75% and greater	All uses	Restricted	Acute dermal toxicity. Residue effects on mammalian species. Residue effects on avian species.
	Dust formulations 1.5% and greater	All uses	Restricted	Residue effects on avian species. Residue effects on mammalian species.
*	*	*	*	* *

[1] "Under evaluation" means no classification decision has been made and the use/formulation in question is still under active review within EPA.
[2] Percentages given are the total of dioxathion plus related compounds.

[FR Doc. 79-23613 Filed 7-31-79; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5675

[ES-2430]

Arkansas; Public Land Order 4228; Correction

AGENCY: Bureau of Land Management (Interior).

ACTION: To correct final rule.

SUMMARY: Public Land Order 4228 of June 14, 1967, which erroneously excluded certain lands from the Ouachita National Forest is corrected insofar as it affects section 30, T. 1 N., R. 19 W., and section 17, T. 1 S., R. 19 W., Fifth Principal Meridian, Arkansas.

EFFECTIVE DATE: August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Jeff O. Holdren (301) 427-7373.

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

The description of the lands appearing in paragraph 3 of Public Land Order 4228 of June 14, 1967, appearing in 32 F.R. 8808-8809 of the issue of June 21, 1967, adjusting the boundary of the Ouachita National Forest is hereby corrected by changing secs. 8 to 36 inclusive, T. 1 N., R. 19 W., to read secs. 8 to 29 inclusive; sec. 30, all except the SW¼NE¼, SE¼NW¼, NW¼SE¼; secs. 31 to 36 inclusive, and by changing the land described as entire township, T. 1 S., R. 19 W., to read secs. 1 to 16 inclusive; all sec. 17 except NW¼NE¼; secs. 18 to 36 inclusive.

Guy R. Martin,

Assistant Secretary of the Interior.

July 25, 1979.

[FR Doc. 79-23639 Filed 7-31-79; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5676

[OR-16882]

Oregon; Revocation of National Forest Administrative Site Withdrawal

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This public land order revokes a previous withdrawal of lands withdrawn as an administrative site located in the Wallowa-Whitman National Forest. The order opens these lands to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: August 31, 1979.

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

By virtue of the authority contained in section 204 of the Act of October 21, 1976, 90 Stat. 2743, it is ordered as follows:

1. Secretarial Order of April 29, 1909, which withdrew the national forest land described below for use as an administrative site, is hereby revoked:

Willamette Meridian, Wallowa-Whitman National Forest

Flat Lake Ranger Station

T. 2 S., R. 35 E.,
Sec. 21, SE¼SE¼;
Sec. 28, NE¼NE¼.

The area described contains 80 acres in Umatilla County.

2. At 10 a.m., on August 31, 1979, the lands described above shall be open to such forms of disposition as may by law be made of national forest lands.

Guy R. Martin,

Assistant Secretary of the Interior.

July 25, 1979.

[FR Doc. 79-23719 Filed 7-31-79; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-5671]

Suspension of Community Eligibility Under the National Flood Insurance Program

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

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202 (a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

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

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of suspended communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Alabama	Tuscaloosa	Tuscaloosa, city of	010203–A	Apr. 5, 1973, emergency, Feb. 1, 1979, regular, Aug. 1, 1979, suspended.	Oct. 24, 1975	Aug. 1, 1979.
California	Stanislaus	Patterson, city of	060390–B	Jan. 16, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 3, 1975 Sept. 26, 1975	Do.
Colorado	Weld	Milliken, town of	080187–B	July 23, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 17, 1974 Mar. 12, 1976	Do.
Do	Boulder	Nederland, town of	080255–A	May 2, 1977, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Aug. 22, 1975	Do.
Connecticut	Hartford	Canton, town of	090135–B	Mar. 2, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Aug. 2, 1979 Dec. 2, 1976	Do.
Georgia	Baldwin	Milledgeville, city of	130006–C	Nov. 15, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 31, 1974 Apr. 30, 1976	Do.
Idaho	Shoshone	Mullan, city of	160115–B	May 13, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Dec. 28, 1973 Mar. 26, 1974	Do.
Illinois	Macon	Decatur, city of	170429–C	July 29, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 24, 1974 Sept. 12, 1975 Oct. 1, 1976	Do.
Do	McHenry	Marengo, city of	170482–A	June 27, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	July 30, 1976	Do.
Do	Cook	Midlothian, village of	170127–B	July 30, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Mar. 22, 1974 Apr. 2, 1976	Do.
Do	Will	Mokena, village of	170705–B	June 12, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Apr. 5, 1974 June 4, 1976	Do.
Do	Cook	Prospect Heights, city of	170919–C	Apr. 5, 1977, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 12, 1978 July 28, 1978	Do.
Indiana	Elkhart	Goshen, city of	180058–B	Mar. 30, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Nov. 28, 1973 June 4, 1976	Do.
Do	Clark	Jeffersonville, city of	180027–B	June 20, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	June 14, 1974 Dec. 26, 1975	Do.
Kansas	Leavenworth	Linwood, city of	200191–B	May 1, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Sept. 6, 1974 June 4, 1976	Do.
Massachusetts	Middlesex	Stow, town of	250216–B	Oct. 1, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Oct. 18, 1974 Dec. 6, 1977	Do.
Michigan	Macomb	Clinton, township of	260121–B	Feb. 9, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Oct. 12, 1973 July 2, 1976	Do.
Do	St. Clair	Marine City, city of	260200–B	Jan. 26, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 3, 1974 Mar. 5, 1976	Do.
Do	Macomb	St. Clair Shores, city of	260127–B	Dec. 1, 1972, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	June 28, 1974 July 30, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Minnesota	Fillmore	Preston, city of	270129-C	Jan. 10, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 10, 1974 June 11, 1976 Jan. 21, 1977	Do.
Do	Washington	St. Mary's Point, city of	275247-B	Mar. 19, 1971, emergency, Feb. 25, 1972, regular, Aug. 1, 1979, suspended.	Feb. 26, 1972	Do.
Do	do	Stillwater, city of	275249-A	Nov. 5, 1971, emergency, May 16, 1973, regular, Aug. 1, 1979, suspended.	Mar. 16, 1973	Do.
Do	Hennepin	Woodland, city of	270189-B	June 11, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 31, 1974 Oct. 24, 1975	Do.
Mississippi	Washington	Greenville, city of	280179-B	Apr. 10, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Nov. 16, 1973 May 21, 1976	Do.
Do	Pike	McComb, city of	280132-A	July 18, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Apr. 11, 1975	Do.
Missouri	St. Louis	Berkeley, city of	290335-B	Nov. 15, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Dec. 24, 1976	Do.
Do	Dent	Salem, city of	290120-B	Aug. 9, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Mar. 1, 1974 Feb. 13, 1976	Do.
Nebraska	Burt	Tekamah, city of	310024-C	Oct. 23, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Mar. 15, 1974 Dec. 12, 1975 Feb. 4, 1977	Do.
New Jersey	Monmouth	Bradley Beach, borough of	340289-B	June 25, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Dec. 28, 1973 Feb. 6, 1976	Do.
Do	Essex	Millburn, township of	340187-B	July 23, 1971, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Apr. 27, 1973 Sept. 24, 1976	Do.
Do	Burlington	Mt. Holly, township of	340106-B	Mar. 17, 1972, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Apr. 20, 1973 Nov. 19, 1976	Do.
Do	Monmouth	Shrewsbury, borough of	340326-B	July 3, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	June 7, 1974 Oct. 24, 1975	Do.
New York	Erie	Tonwanda, city of	360259-A	Aug. 21, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Aug. 1, 1979	Do.
Ohio	Franklin	Hilliard, city of	390175-B	Apr. 10, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	June 7, 1974 May 21, 1975	Do.
Do	Ashtabula	Jefferson, village of	390014-A	July 23, 1976, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Aug. 8, 1975	Do.
Do	Lake	Mentor-on-the-Lake, city of	390318-A	Nov. 28, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	July 11, 1975	Do.
Pennsylvania	Delaware	Chester, city of	420404-B	Dec. 10, 1971, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Mar. 2, 1973 Aug. 6, 1976	Do.
Do	Fayette	Everson, borough of	420462-B	July 2, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	July 26, 1974	Do.
Do	Columbia	Franklin, township of	420343-B	May 29, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Jan. 9, 1974 Nov. 14, 1975	Do.
Do	do	Hemlock, township of	420344-B	June 6, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Sept. 13, 1974 June 11, 1976	Do.
Do	Northumberland	Herndon, borough of	420735-B	Dec. 6, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Jan. 23, 1974 May 21, 1976	Do.
Do	do	Lower Augusta, township of	421017-B	Jan. 28, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 17, 1974 Jan. 9, 1976	Do.
Do	Columbia	Montour, township of	421002-B	Nov. 2, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Apr. 5, 1974 Apr. 15, 1977	Do.
Do	Allegheny	Monroeville, borough of	420054-B	May 23, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	July 26, 1974 May 28, 1976	Do.
Do	Columbia	Orangeville, borough of	420345-A	June 11, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Jan. 24, 1975	Do.
Do	Allegheny	South Versailles, township of	421281-B	Aug. 7, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Aug. 2, 1974 July 2, 1976	Do.
Do	Union	Union, township of	420834-B	July 5, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Dec. 28, 1973 June 24, 1977	Do.
Do	Allegheny	Wilmerding, borough of	420091-B	Nov. 16, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 3, 1974 May 21, 1976	Do.
Tennessee	Hamilton	Unincorporated areas	470071-C	Mar. 3, 1972, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Aug. 1, 1979	Do.
Vermont	Addison	Shoreham, town of	500171-A	May 5, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Feb. 7, 1975	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Virginia	Fairfax	Herndon, town of	510052-B	May 21, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	June 14, 1974 Apr. 9, 1976	Do.
Do		Norfolk, city of	510104-B	Aug. 15, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Oct. 18, 1974 July 2, 1976	Do.
Do	Fauquier	Warrenton, town of	510057-B	Mar. 18, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 31, 1974 Oct. 24, 1975	Do.
Washington	Franklin	Kahlotus, town of	530045-A	Dec. 31, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Dec. 13, 1974	Do.
Do	Pacific	Long Beach, town of	530128-C	Sept. 27, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 24, 1974 Jan. 9, 1976	Do.
West Virginia	Monongalia	Morgantown, city of	540141-B	Jan. 23, 1975, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	May 25, 1978 Aug. 2, 1974 Dec. 31, 1976	Do.
Do	Preston	Rowlesburg, town of	540163-B	Nov. 8, 1974, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Feb. 1, 1974 Apr. 23, 1976	Do.
Wisconsin	Sauk	Baraboo, city of	550392-B	June 1, 1973, emergency, Aug. 1, 1979, regular, Aug. 1, 1979, suspended.	Dec. 17, 1973 Sept. 10, 1976	Do.

[1] Certain Federal assistance no longer available in special flood hazard area.

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

Issued: July 16, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-23379 Filed 7-31-79; 8:45 am]

BILLING CODE 4210-23-M

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44 CFR Part 65

[Docket No. 5669]

Notice of Communities With No Special Hazard Areas for the National Flood Insurance Program

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

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with No Special Flood Hazards.

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

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1–4 family dwelling is $.25 per $100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.8 List of communities with no special flood hazard areas.

State	County	Community name	Date of conversion to regular program
California	San Mateo	City of Daly City	July 31, 1979.
Iowa	Warren	City of Indianola	July 31, 1979.
Ohio	Cuyahoga	City of University Heights	July 31, 1979.
Oklahoma	Oklahoma	City of Bethany	July 31, 1979.
Pennsylvania	York	Borough of West York	July 31, 1979.
South Carolina	Oconee	Town of Westminster	July 31, 1979.

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

Issued: July 19, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-23377 Filed 7-31-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 65

[Docket No. 5670]

Notice of Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

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

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the forseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

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

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program.The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.9 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
New York	Niagara	Town of Royalton	July 6, 1979
Missouri	New Madrid	City of Howardville	July 10, 1979
South Dakota	Minnehaha	City of Brandon	July 10, 1979
New York	Essex	Town of North Elba	July 20, 1979
Utah	Garfield	Town of Hatch	July 24, 1979
Utah	Sevier	City of Monroe	July 24, 1979
New York	West Chester	Village of Buchanan	July 27, 1979
New York	Orange	Town of Minisink	July 27, 1979

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

Issued: July 6, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79–23378 Filed 7–31–79; 8:45 am]

BILLING CODE 4210–23–M

DEPARTMENT OF HEALTH, EDUCATIONAL, AND WELFARE

Office of Child Support Enforcement

45 CFR Part 302

Child Support Enforcement Program; State Plan Requirements; Bonding of Employees and Handling of Cash Receipts

Correction

In FR Doc. 79–15451 appearing at page 28802 in the issue for Thursday, May 17, 1979, make the following correction: On page 28803, in the first column, in § 302.19(a), in the 6th line, replace the word "form" with the word "from".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of Ouray National Wildlife Refuge, Utah, to Big Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to big game hunting of Ouray National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Archery deer season, August 18 through September 3, 1979, inclusive.

FOR FURTHER INFORMATION CONTACT: Refuge Manager, Ouray National Wildlife Refuge, 447 East Main Street, Suite 4, Vernal, Utah 84078, telephone: 801–789–0351.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer is permitted on the Ouray National Wildlife Refuge, Utah, except in those areas designated by signs as closed to hunting. These areas, comprising 9,500 acres, are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, 1311 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. Big game hunting shall be in accordance with all applicable State regulations, subject to the following conditions.

1. Hunting on Indian lands east of Green River, as posted, is permitted to enrolled members of the Ute Indian Tribe only.

2. Every deer killed must be checked out at refuge headquarters before hunters leave the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

The 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.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of

the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that no area of the refuge system is used for forms of recreation not directly related to the primary purposes for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the Ouray National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Herbert G. Troester,

Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

July 17, 1979

[FR Doc. 79-23718 Filed 7-31-79; 8:45 am]

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Proposed Rules

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

DEPARTMENT OF ENERGY

[10 CFR Part 903]

Power Marketing Rates; Proposed Power and Transmission Rate Adjustment Procedures

AGENCY: Department of Energy.

ACTION: Notice of Supplemental Public Hearing.

SUMMARY: By notice of Proposed Rulemaking and Public Hearing issued on June 28, 1979, and published in the Federal Register on July 5, 1979, (44 FR 39184), the Department of Energy provided an opportunity for oral presentation of views to be held at 10:00 a.m. July 27, 1979, in Washington, DC, on proposed power and transmission rate adjustment procedures. Because several persons have submitted requests to appear, the hearing shall convene as scheduled. However, several others who have indicated a desire to participate are unable to attend due to conflicts in their schedules. Because of the importance of this Rulemaking Procedure, it has been decided to hold a supplemental hearing on August 17, 1979, for those interested persons who are unable to participate in the hearing scheduled for July 27, 1979.

DATE: Opportunity for supplemental oral presentation of views will be provided at 10:00 a.m., August 17, 1979, in Room 3000A, 12th and Pennsylvania Avenue, NW., Washington, DC 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Braxdale, Office of Power Marketing Coordination, Resource Applications, Department of Energy, 12th and Pennsylvania Avenue, NW., Washington, DC 20461, (202) 633–8338.
Richard K. Pelz, Office of General Counsel, Department of Energy, 12th and Pennsylvania Avenue, NW., Washington, DC 20461, (202) 633–9341.

Issued in Washington, DC, July 26, 1979.
George S. McIsaac,
Assistant Secretary, Resource Applications.
[FR Doc. 79–23690 Filed 7–31–79; 8:45 am]
BILLING CODE 6450–01–M

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z; Docket No. R–0239]

Truth in Lending; Calculation and Disclosure of Annual Percentage Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board solicits comment on specific revisions in the requirements of Regulation Z with regard to the degree of accuracy and treatment of payment schedule variations in the calculation and disclosure of the annual percentage rate as well as other credit terms. These revisions, which are set forth below, would take the form of amendments to §§ 226.5 and 226.8 of the Regulation, expansion of Supplement I to Regulation Z, and adjustment of Volume I of the Board's Annual Percentage Rate Tables. The issues addressed by this notice were the subject of a prior proposal published by the Board in January, 1979 (44 FR 1116, January 4, 1979). That publication described certain problems, together with possible alternative solutions, and invited comment on the existing annual percentage rate provisions. Following analysis of the comments received on the revisions proposed below, the Board will publish final regulatory amendments.

DATE: Comment must be received on or before October 15, 1979.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: Delores S. Smith, Section Chief (202–452–2412), Ellen Maland, Attorney (202–452–3867), or Margaret Stewart, Attorney (202–452–2412), Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On January 4, 1979, the Board solicited comment on the requirements of Regulation Z with regard to the calculation and disclosure of annual percentage rates (44 FR 1116). The annual percentage rate, which constitutes one of the most important disclosures required by the Truth in Lending Act, is intended to provide a uniform standard to be used by consumers in comparing credit sources. It measures the cost of credit for a given transaction by expressing in percentage terms the relationship between the amount financed and the finance charge.

The Truth in Lending Act requires the Board to prescribe rules regarding calculation and disclosure of the annual percentage rate. To accommodate the great variety in the credit industry and to alleviate the difficulties experienced by creditors in adjusting to a totally new calculation procedure, Regulation Z as originally drafted permitted numerous variations in computation methods. The Board's January proposal focused on five specific issues which the Board believes contribute to a lack of uniformity in the annual percentage rates permissible under the regulation. Those issues related to the degree of accuracy required in calculating and disclosing the annual percentage rate and the treatment of irregularities in payment amounts and periods.

A review of this matter is appropriate for three reasons. First, increased enforcement activities by the federal agencies, particularly the adoption of uniform enforcement guidelines for Regulation Z (44 FR 1221), have focused the attention of both regulators and creditors on the numerous annual percentage rate computation methods now permitted. Second, the decade since adoption of Regulation Z has seen an increase in the level of knowledge in the credit industry and in the sophistication of the calculation tools available to creditors, which may obviate the need for the numerous options originally allowed to facilitate compliance. Third, a thorough review of the annual percentage rate provisions is consistent with current efforts by Congress and the Board to clarify the requirements of the Truth in Lending Act. Because of the impact which changes in the annual percentage rate provisions could have throughout the entire credit industry, the Board in its January proposal requested comment on

the problems identified and a number of alternative solutions, prior to proposing any specific regulatory changes.

The Board is mindful of the costs of regulatory change in the area of annual percentage rate determination, which may require an investment in calculation tools. In assessing the economic impact of the amendments, the Board welcomes comment on the extent to which the changes proposed below may increase or decrease the costs of compliance with Regulation Z. The Board particularly solicits information regarding the following issues: (1) the types and numbers of calculation tools used in various segments of the credit industry; (2) any changes in those calculation tools which would be necessitated by the proposed amendments; and (3) the amount of time needed by creditors and calculation tool producers to adjust their procedures and equipment to the proposed revisions, if adopted.

Issues Addressed

More than 300 comments were received in response to the Board's proposal. The great majority of the comments were from financial institutions or their representatives; many of them addressed only one or two of the five issues on which comments were solicited. Discussed below are the five issues which the January proposal addressed, the nature of the comments received on that issue and a summary of the action which the Board now proposes to take with regard to that issue.

1. *Tolerance.* The regulation currently requires that the annual percentage rate for credit transactions be disclosed either as an exact figure or rounded to the nearest ¼ of 1 percentage point. As an alternative, the Board proposed a uniform tolerance and requested comment on what degree of tolerance should be permitted, the factors to be considered in applying the tolerance, and the continued need for special rules which countenance greater inaccuracy in certain types of transactions.

A great majority of the commenters addressing this issue favored a fixed ⅛ of 1 percentage point tolerance in either direction from the exact annual percentage rate. The comments as a whole provided very little support for distinctions in the amount of tolerance based on such factors as the type of credit involved, the term of the transaction or the calculation tool employed by the creditor. For example, only eight commenters indicated a need for different tolerances for open end and closed end credit, while just 10 commenters supported distinctions based on the computation tools used. The Board now proposes to specify a fixed tolerance of ⅛ of 1 percentage point, to be applied without regard to type of transaction or other factors.

In discussing this issue, the Board also invited comment on two current provisions which permit creditors using certain methods to assess finance charges to disclose annual percentage rates which may not meet the general accuracy requirements of the regulation. These provisions are contained in § 226.5(c)(2)(iv) and Board Interpretation § 226.502.

Section 226.5(c)(2)(iv) relates to the application of a single finance charge to all balances within a specified range of balances. Under this provision, a creditor may understate the annual percentage rate by up to 8% of the actual rate, by disclosing for all such balances the annual percentage rate computed on the median balance within that range. Interpretation § 226.502 permits creditors applying a single add-on rate to all transactions up to 60 months in length to disclose the same annual percentage rate for all those transactions, although the actual annual percentage rate varies according to the length of the transaction. Of the 47 commenters addressing this issue, 41 indicated that no special treatment should be accorded these types of transactions.

The Board now requests comment on two alternative courses of action with regard to these provisions. First, the Board may retain either or both of these rules in a limited form, as set forth below in § 226.5(a). Second, the Board may rescind these provisions entirely if the comments indicate no further need for them.

2. *Number of Decimal Places.* The Board's January proposal requested comment on whether the regulation should specify the number of decimal places to be used in calculating and disclosing the annual percentage rate. The Board stated that it was considering adoption of a rule that would require disclosure of an annual percentage rate rounded to two decimal places for all transactions and disclosure of an exact periodic rate on open end credit disclosures. Of the 112 commenters addressing the issue, 87 favored disclosure of an annual percentage rate to two places. Only 16 commenters addressed the proposal that open end periodic rates be disclosed exactly, and they were evenly divided on the need for such a rule.

In the Board's view, specification of the exact number of decimal places is unnecessary, since creditors can judge for themselves the degree of precision needed to meet the accuracy requirements of the regulation. The Board now proposes to specify the number of decimal places only with respect to disclosure of the periodic rate in open end credit, because this rate is more sensitive to the effects of rounding or truncating decimal places.

3. *Ignoring Irregularities.* The Board requested comment regarding the current minor irregularities provisions which permit creditors to disregard certain variations in payment amounts and periods in order to simplify calculation of the annual percentage rate and finance charge. Use of these provisions necessarily produces inaccurate disclosures, and the Board proposed four alternatives to the present rules: (1) eliminate them entirely; (2) restrict their use to cases where the resulting inaccuracy produces an overstatement; (3) retain the provisions with only editorial changes; or (4) add a new provision to cover certain payment schedule irregularities not now addressed.

Most commenters strongly urged the Board to retain the current minor irregularities provisions in some form. Twenty-three commenters favored their deletion while nine commenters expressed support for revising the provisions to permit only overstatements.

The fourth alternative addresses two business practices which may produce slight payment schedule variations—rounding of payment amounts to whole cents and changing the dates of scheduled payments and advances which fall on a Saturday, Sunday or holiday. Sixty-four commenters expressed support for this option, either in addition to or in substitution for the current provisions. The Board now proposes to amend Regulation Z to permit all creditors in closed end credit transactions to disregard the effects of these two practices in making disclosures. In addition, the Board proposes to adopt a special rule to simplify calculation and disclosure of the finance charge and other credit terms by creditors in closed end credit transactions assessing finance charges on a simple interest basis. Both of these provisions would apply to all credit terms, not merely the annual percentage rate.

With regard to the current minor irregularities provisions applicable to the annual percentage rate, the Board is considering three alternative courses of action: (1) eliminate § 226.5(d) and Interpretation § 226.503, (2) permit a

relatively large degree of overstatement and a much narrower tolerance for understatements, or (3) retain both provisions with only editorial and organizational changes.

With regard to Interpretation § 226.505, which addresses minor irregularities in calculation and disclosure of the finance charge in certain simple interest transactions, the Board proposes to replace it with a provision in § 226.8 allowing shorter than regular first periods to be disregarded.

4. *Accounting for Irregularities.* The Board requested comment on a proposal to specify a uniform method for determining the number of odd days in an irregular interval and relating that number to a regular period. The regulation currently specifies no particular method for accounting for intervals between advances or payments which are longer or shorter than the regular unit period for the transaction. The 90 comments on this issue were almost evenly divided on whether uniformty is necessary. Those opposed indicated that the variation produced by the use of different counting methods were not significant enough to warrant regulation, and also expressed a belief that requiring a specific method would eliminate the payment schedule flexibility which consumers desire.

The Board believes that a uniform approach for counting odd days is warranted, since a uniform method would materially simplify application of Supplement I to transactions involving odd periods and would facilitate verification of annual percentage rates in enforcement procedures. The Board proposes to revise Supplement I of Regulation Z to specify a method for determining the length of an irregular period. Creditors would not be required to use this method in counting odd days, so long as the manner in which they account for irregularities produces a rate within the tolerance limits of the regulation.

5. *Reliance on Charts and Tables.* The regulation currently provides that an annual percentage rate or finance charge error that results from an error in a chart or table used by the creditor does not violate Regulation Z. The Board requested comment on two alternative provisions: (1) rescind the provision entirely, making creditors liable for finance charge and annual percentage rate errors without regard to the source of those errors, or (2) extend the provision to apply not only to users of erroneous charts or tables but also to creditors using faulty software or faulty calculators. The great majority addressing this issue favored extending the protection of this provision to creditors using any computation tool. The Board proposes to retain this provision and extend its application to creditors using calculators or computers which have faulty hardware. Because of the diffiiculty of tracing errors in software and the extent to which software is under the control of the creditor, the Board does not believe that this protection should be further extended to such errors. As an alternative, the Board may eliminate this provision, if further analysis indicates it is unnecessary.

Discussion of Proposed Revisions

In order to implement revisions in the provisions relating to calculation and disclosure of the annual percentage rate and other credit terms, the Board proposes to substantially amend § 226.5, add new paragraphs (r) and (s) to § 226.8, and revise Supplement I to Regulation Z and Volume I of the Board's Annual Percentage Rate Tables. The text of all of these revisions is set forth following a discussion of the proposed changes. The Board emphasizes that if these proposal are adopted, an extended period will be provided for creditors and manufacturers of computation tools to adjust to the new provisions.

1. *Section 226.5.* The Board proposes to revise the current § 226.5 relating to calculation and disclosure of the annual percentage rate, as set forth below in the section captioned "TEXT OF PROPOSED AMENDMENTS." The Board wished to draw particular attention to the following aspects of these provisions:

(1) For closed end credit, a fixed tolerance of ⅛ of 1 percentage point in either direction from the annual percentage rate as determined according to Supplement I is substituted for the current rule requiring disclosure of either an exact rate or a rate rounded to the nearest ¼ of 1 percentage point. For example, where the annual percentage rate is determined to be 10⅛%, a disclosed annual percentage rate from 10% to 10¼%, or the decimal equivalent, would be deemed to comply with the regulation. See proposed § 226.5(a)(1) below.

(2) Section 226.5(d) and Interpretation § 226.503 of the current regulation permit creditors to ignore certain payment schedule irregularities for the purpose of determining the annual percentage rate. Use of these provisions necessarily produces distortion, the degree of inaccuracy varying with the degree of the irregularity, the rate, and the term. The most common irregularity is a first period which is either longer or shorter than the regular period for the transaction. For example, on a 12-payment loan with a contract rate of 9%, the true annual percentage rate is 9.49% if the first period is only 20 days long and 8.15% if the first period is 50 days long. In both cases the annual percentage rate may be disclosed as 9% under the current minor irregularities provisions—an understatement of .49% and an overstatement of .85%, respectively. The Board is considering three alternative proposals and specifically solicits comments on each of them:

Option 1—Eliminate the current provisions and require creditors to disclose a rate which meets the general standard of accuracy of ⅛ of 1 percentage point in either direction from the accurate annual percentage rate. If this alternative is adopted, creditors could ignore slight irregularities in payment amounts and periods only if the resulting annual percentage rate falls within this tolerance. Creditors could also account for the irregularities by making an adjustment of the rate, such as that described in the proposed appendix to Volume I of the Board's Annual Percentage Rate Tables.

Option 2—Continue the current approach and simply improve the regulatory language. If the Board decides that the current provisions regarding minor irregularities best meet the needs of creditors and consumers, the Board would consolidate the present § 226.5(d) and Interpretation § 226.503 and clarify them through editorial revisions. The Board solicits comment on specific improvements which might be made in the current provisions.

Option 3—Replace the current provisions with a rule which permits a larger degree of overstatement where the first period or first payment is irregular. Under this rule, creditors could treat as regular an initial period which is up to two days shorter or 30 days longer than a regular period. For example, a creditor in a transaction payable monthly could consider a first period which is from 28 to 60 days long to be a 30-day period for purposes of computing and disclosing the annual percentage rate. In addition, this rule would permit an initial payment which is smaller than regular to be treated as regular. The general rule proposed in § 226.5(a)(1) regarding the degree of accuracy required may in some cases allow a creditor to ignore a larger degree of irregularity than that described in this special rule and still remain within the

proposed ⅛ of 1 percentage point tolerance. The creditor could rely on whichever of these provisions provides more flexibility in dealing with these irregularities.

In the Board's view, competitive pressures would minimize the deliberate use of such permissible overstatements, and such overstatements are less harmful than understatements. However, it must also be noted that any variation from the exact annual percentage rate may tend to impair the consumer's ability to comparison-shop for credit. The Board specifically solicits comment on the extent to which this disadvantage to consumers may be balanced by the need for special treatment in these situations.

This option, if adopted by the Board, would be implemented by § 226.5(a)(5), set forth below.

(3) For transactions in which the finance charge is determined solely by application of a simple interest rate, the Board proposes to permit only shorter than normal first periods to be treated as regular. If this approach were adopted, Interpretation § 226.505 would be deleted and replaced by § 226.8(r)(2).

(4) The regulation currently discusses two methods of rate calculation, the U.S. Rule and the actuarial method. The U.S. Rule differs from the actuarial method in two respects. First, interest which is unpaid at the end of the regular payment period is not compounded by addition of the deficiency to the principal of the obligation. Second, in a payment period longer than the regular period, interest is calculated on a "simple" basis for the entire period. The regulation continues to recognize explicitly these two methods. The proposed tolerance of ⅛ of 1 percentage point would be measured from whichever of these calculation methods is being used, even though application of these two methods may produce slight variations in the resulting annual percentage rate. It must be emphasized that creditors are not limited to the use of these two methods. The regulation does not specify the way in which creditors must calculate their rates, but rather what methods will be used in measuring the accuracy of those rates. See proposed § 226.5(a)(1) and proposed Supplement I.

(5) The current § 226.5(c)(2)(iv) permits creditors to understate the true annual percentage rate by as much as 8% of that rate, where a single finance charge is applied to all balances within a specified range of balances. The creditor in such cases is permitted to disclose for all such balances the annual percentage rate computed on the median balance within that range. The Board is considering two alternative courses of action: (1) retain this provision, but limit its availability to transactions involving orders by mail or telephone, and only for purposes of disclosing the annual percentage rate in the catalogue or other printed material in which the credit terms are initially set forth; and (2) eliminate the exception entirely, on the grounds that it is no longer needed. The Board requests comments on these options. See proposed § 226.5(a)(4) below, which would implement the first alternative.

(6) Interpretation § 226.502 currently permits creditors applying a single add-on rate to all transactions up to 60 months in length to disclose the same annual percentage for all those transactions. Creditors utilizing this provisions must disclose the highest of those annual percentage rates, which results in an overstatement for other maturities. In view of the fact that the distortion is greatest in transactions with maturities shorter than nine months, the Board proposes to limit the availability of this provision to transactions which range in length from nine to 60 months. However, as an alternative to limiting the provision in this fashion, the Board also solicits comment on whether it could be eliminated entirely. See proposed § 226.5(a)(3) below, which would implement the first alternative.

(7) As discussed above, the Board is considering a revision of the present § 226.5(c)(3), which relates to the use of faulty calculation tools, to extend its application to errors resulting from calculators and computers. In view of the increasing use of calculators and computers in the credit industry, it may not be appropriate to limit the protection afforded by § 226.5(c)(3) solely to users of charts and tables. However, the Board recognizes that there may be greater difficulty in confirming errors in calculators and computers than in printed material such as charts and tables. Therefore, if this provision is retained and extended to calculators and computers, the Board is considering limiting the extension to the "hardware" or physical components which are beyond the control of the creditor. Proposed § 226.5(c), as set forth below, reflects this alternative. The Board requests comment on any practical difficulties inherent in drawing a distinction between errors arising from hardware and those arising from software. As an alternative, the Board may also consider deleting this provision entirely, if further analysis indicates that its protection is no longer warranted.

(8) Section 226.5(e) of the current regulation permits very limited use of the constant ratio method in exceptional instances where the creditor has no alternative to using a method other than the actuarial method or the U.S. Rule. The constant ratio method is a means of approximating the annual percentage rate by assuming that each payment in the credit transaction is composed of the same amount of interest and principal. While this method is relatively simple to use, it may produce an extremely inaccurate annual percentage rate in regular transactions with longer terms or higher rates. In transactions involving payment schedule irregularities, application of this method tends to produce extremely distorted rates. The comments on the Board's January proposal do not indicate any use of this method in the credit industry. The Board therefore proposes to rescind § 226.5(e).

(9) The provisions relating to open end credit would be essentially unchanged from the current requirements of § 226.5(a), except for the addition of language permitting a fixed ⅛ of 1 percentage point tolerance analogous to that proposed for closed end credit transactions. See proposed § 226.5(b)(1) below.

2. *Section 226.8.* Most exceptions and special rules involving annual percentage rate determination are based on the assumption that creditors have no difficulty in computing the amount of the finance charge, which must then be converted to an annual percentage rate. However, the information available to the Board indicates that a growing segment of the credit industry is using a simple interest basis to compute the finance charge. Under this approach, a rate is applied to an outstanding balance for the actual number of days elapsing between payments. For these creditors, the difficulty is ordinarily not in calculating the annual percentage rate, which, in the absence of other finance charges, is the same as the interest rate, but in determining the dollar amount of the finance charge. This difficulty arises from the fact that the dollar amount will vary according to the month in which the loan commences, because of the variations in the length of the months.

Irregularities in the first period in a transaction of this type produce similar difficulties, because the length of the first period determines how much of the initial payment will be attributed to interest. This in turn affects the rate at which the principal of the loan is reduced, and thus the amount of the final payment and of the total finance charge.

To alleviate the first difficulty described above, the Board proposes to permit creditors assessing finance charges solely by application of a simple interest rate to treat all months as having the same number of days, provided the finance charge so calculated is marked as an estimate.

With regard to irregularities in the first period for these types of transactions, the Board is considering adoption of a provision permitting only overstatements. Under this approach, a first period of any length less than a regular period could be treated as regular and any resulting payment irregularities disregarded in disclosing the finance charge, schedule of payments and total of payments. This provision would replace Interpretation § 226.505.

These provisions would be implemented by proposed § 226.8(r) (Certain simple interest obligations), set forth below. It should be noted that the exceptions would not be available if the finance charge in such transactions includes charges other than amounts attributable to a simple interest rate.

In all types of transactions, two common and necessary business practices produce very slight payment schedule irregularities affecting the amount of several required disclosures under the Truth in Lending Act. One variation arises from the fact that payments must be collected in whole cents rather than in fractions of pennies. For example, the rounding of payments to whole cents may produce a difference between the final payment and all other payments. The other variation arises from the need to change the dates of scheduled payments and/or advances because the scheduled date occurs on a Saturday, Sunday or holiday. The variations arising from these practices may have a slight impact not only on the annual percentage rate but on certain non-rate disclosures such as the finance charge, the total of payments and the schedule of payments. Therefore, the Board proposes to adopt a provision permitting the effects of these two practices to be disregarded by all creditors, regardless of the method used to assess interest, in making the required Truth in Lending disclosures. Section 226.8 of Regulation Z would be amended by the addition of a new paragraph (s) as set forth below.

The Board believes that the difficulties described above arise only in closed end credit transactions and therefore proposes to limit proposed paragraphs (r) and (s) to such transactions. However, the Board solicits comment on whether these provisions should also apply to open end credit transactions.

3. *Supplement I.* Supplement I, which is incorporated by reference in Regulation Z, sets forth the technical equations and instructions for determining the annual percentage rate. As currently written, the material is based on the use of the actuarial method, although the regulation specifically sanctions the use of both this method and the U.S. Rule. The U.S. Rule approach is more commonly used by credit unions. In order to make Supplement I more comprehensive the Board proposes three revisions. First, it would be expanded to include explanations and equations for determining the annual percentage rate in accordance with the U.S. Rule. Second, the Supplement would specify a uniform method for measuring periods which are longer or shorter than the regular unit period for a transaction. Third, the number and variety of examples in Supplement I would be expanded in order to illustrate the application of the formulas in Supplement I to various types of transactions. Set forth below is the text of the proposed Supplement I equations and explanations, together with examples for representative types of transactions.

4. *Volume I of Board's Tables.* The Board's Annual Percentage Rate Tables, which are based on the formulas in Supplement I, provide creditors with a calculation tool which, when used in accordance with the instructions, produces an annual percentage rate complying with the regulation. When used for a regular transaction, that is, one involving equal payment amounts and periods, Volume I provides a simple means of calculating an annual percentage rate accurate to within the nearest ¼ of 1 percentage point. Using the adjustments set forth in Appendix A of the Tables, creditors may also utilize Volume I for transactions with certain irregularities in the first period and/or in the first and last payments. These adjustments may produce inaccuracies beyond the proposed tolerance, but their use is specifically sanctioned by the regulation to accommodate these irregularities.

In order to facilitate the use of the Tables while at the same time increasing the accuracy of the annual percentage rate obtained thereby, the Board proposes four major revisions in Volume I. First, Appendix A of the Tables would be amended in such a way that the adjustments needed to accommodate certain irregularities would produce a more accurate annual percentage rate in many transactions and reduce the possibility of understatement. Second, the general rate tables in Volume I, which are currently printed in ¼ of 1 percentage point columns, would be reprinted in ⅛ of 1 percentage point intervals. Third, the introductory material accompanying Volume I would be expanded in order to provide a further explanation of the scope of the volume, the types of transactions to which it applies and instructions for use of the volume. Fourth, Appendices B, C and D would be deleted. Appendix B relates to determination of the finance charge. The Board believes that this appendix is not appropriate for Volume I, which was designed as a tool for calculation of the annual percentage rate only. Portions of Appendix C would be incorporated into an expanded introduction to Volume I. Appendix D, which discusses the degree of inaccuracy resulting from use of the adjustments in the current Appendix A, will no longer be applicable if the proposed revisions to Appendix A are adopted.

The Board wishes to emphasize that, if adopted, the changes in Volume I would not materially affect the manner in which it is used for regular transactions. Similarly, the procedures called for by the new Appendix to provide greater accuracy in annual percentage rates for irregular transactions should not materially increase the complexity of the adjustments. Following the text of the proposed amendments, set forth below, is the text of the revised Appendix to Volume I, together with the special factor table to be used in making adjustments.

Text of Proposed Amendments

In consideration of the comments received and its own analysis, and pursuant to the authority granted in 15 U.S.C. § 1604, the Board now proposes to delete 12 CFR §§ 226.502, 226.503 and 226.505 and to amend 12 CFR Part 226 to read as follows:

§ 226.5 Determination of annual percentage rate.

(a) *Credit other than open end.* (1) *General rule.* The annual percentage rate is a measure of the cost of credit, expressed as a yearly rate, which relates the amount and timing of value received by the consumer to the amount and timing of payments made. The correct annual percentage rate shall be that rate determined in accordance with either the actuarial method or the United States Rule method. Explanations, equations and technical

instructions for determining the annual percentage rate in accordance with these methods are set forth in Supplement I, which is incorporated in this Part by reference. An annual percentage rate shall be considered accurate if it is not more than one-eighth of one percentage point below or above the annual percentage rate determined in accordance with Supplement I.

(2) *Computation tools.* (i) The Regulation Z Annual Percentage Rate Tables produced by the Board may be used to determine the annual perentage rate, and any such rate determined from these tables in accordance with the instructions contained therein will comply with the requirements of this section. Volume I of the tables applies to single advance transactions involving up to 480 monthly payments or 104 weekly payments. It may be used for regular transactions, as well as transactions with any of the following variations: an odd first period, an odd first payment and an odd final payment. Volume II applies to transactions involving multiple advances and any type of payment or period irregularity.

(ii) Creditors may use any other computation tool in determining the annual percentage rate so long as the annual percentage rate so determined equals the annual percentage rate determined in accordance with Supplement I, within the degree of accuracy set forth in paragraph (a)(1) of this section.

(iii) Supplement I and Volumes I and II may be obtained from any Federal Reserve Bank or from the Board in Washington, D.C. 20551.

(3) *Single add-on rate transactions.* If a single add-on rate is applied to all transactions within a range of maturities from 9 to 60 months and if all payments are equal in amount and period, a single annual percentage rate may be disclosed for all such transactions, provided that it is the highest annual percentage rate for any such transaction.

(4) *Certain transactions involving ranges of balances.* For purposes of disclosing the annual percentage rate required by § 226.8(g) (Orders by mail or telephone), if the same finance charge is imposed on all balances within a specified range of balances, the annual percentage rate computed for the median balance may be disclosed for all of the balances. However, if the annual percentage rate computed for the median balance understates the annual percentage rate computed for the lowest balance by more than 8% of the latter rate, the annual percentage rate shall be computed on whatever lower balance will produce an annual percentage rate which does not result in an understatement of more than 8% of the rate determined on the lowest balance.

(5) *Payment schedule irregularities. In calculating and disclosing the annual percentage rate, a creditor may treat as regular the following irregularities in the payment schedule:*

(i) a period between the date on which the finance charge begins to accrue and the date of the first scheduled payment which is not more than 2 days shorter or 30 days longer than a regular period; and

(ii) an initial payment which is less than other payments.

(b) *Open end credit.* (1) *General rule.* The annual percentage rate is a measure of the cost of credit, expressed as a yearly rate, computed in accordance with paragraph (b)(2) or (b)(3) of this section, as applicable. An annual percentage rate shall be considered accurate if it is not more than ⅛ of 1 percentage point below or above the annual percentage rate determined in accordance with this section.

(2) *Annual percentage rate in advertising and initial disclosures.* Where one or more periodic rates may be used to compute the finance charge, the annual percentage rate to be disclosed pursuant to § 226.7(a)(4) and § 226.10(c)(4) shall be computed by multiplying each such periodic rate by the number of periods in a year.

(3) *Annual percentage rate in periodic statements.* (i) The annual percentage rate to be disclosed pursuant to § 226.7(b)(1)(v) shall be determined by multiplying each periodic rate that may be used to compute the finance charge by the number of periods in a year.

(ii) The annual percentage rate to be disclosed pursuant to § 226.7(b)(1)(vi) shall be determined in accordance with one of the following methods, as applicable:

(A) Where the finance charge is exclusively the product of the application of one or more periodic rates

(*1*) by multiplying each periodic rate by the number of periods in a year; or

(*2*) at the creditor's option, if the finance charge is the result of the application of two or more periodic rates, by dividing the total finance charge for the billing cycle by the sum of the balances to which the periodic rates were applied and multiplying the quotient (expressed as a percentage) by the number of billing cycles in a year.

(B) Where the creditor imposes all periodic finance charges in amounts based on specified ranges or brackets of balances, the periodic rate shall be determined by dividing the amount of the finance charge for the period by the amount of the median balance within the range or bracket of balances to which it is applicable, and the annual percentage rate shall be determined by multiplying that periodic rate (expressed as a percentage) by the number of periods in a year. However, if the annual percentage rate computed for the median balance understates the annual percentage rate computed for the lowest balance by more than 8% of the latter rate, the annual percentage rate shall be computed on whatever lower balance will produce an annual percentage rate which does not result in an understatement of more than 8% of the rate determined on the lowest balance.

(C) Where the finance charge imposed during the billing cycle is or includes

(*1*) any minimum, fixed or other charge not due to the application of a periodic rate, other than a charge with respect to any specific transaction during the billing cycle, by dividing the total finance charge for the billing cycle by the amount of the balance(s) to which applicable and multiplying the quotient (expressed as a percentage) by the number of billing cycles in a year; or

(*2*) any charge with respect to any specific transaction during the billing cycle (even if the total finance charge also includes any other minimum, fixed or other charge not due to the application of a periodic rate), by dividing the total finance charge imposed during the billing cycle by the total of all balances and other amounts on which any finance charge was imposed during the billing cycle without duplication and multiplying the quotient (expressed as a percentage) by the number of billing cycles in a year,[8a] except that the annual percentage rate shall not be less than the largest rate determined by multiplying each periodic rate imposed during the billing cycle by the number of periods in a year; or

(*3*) any minimum, fixed or other charge not due to the application of a periodic rate and the total finance charge imposed during the billing cycle does not exceed 50 cents for a monthly or longer billing cycle, or the pro rata part of 50 cents for a billing cycle shorter than monthly, at the creditor's option, by multiplying each applicable periodic rate by the number of periods in a year, notwithstanding the provisions of paragraph (b)(3)(ii)(C) (I) and (II) of this section.

(c) *Errors in calculation tools.* An error in disclosure of the annual percentage rate or finance charge shall not, in itself, be considered a violation of this Part if

[8a] [Footnote would be unchanged.]

(1) the error resulted from a corresponding error in a chart or table or in the physical component of a calculator or computer used in good faith by the creditor, and

(2) upon discovery of the error, the creditor promptly

(i) discontinues use of that calculation tool for disclosure purposes, and

(ii) notifies the Board in writing of the error in the calculation tool.

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§ 226. 8 Credit other than open end—Specific disclosures.

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(r) *Certain simple interest obligations.* If the finance charge of an obligation is calculated solely by applying a simple interest rate to a blance for the actual number of days elapsing between payments or between advances and payments, the creditor may, at its option, take advantage of either or both of the following provisions in determining and disclosing the amount of the finance charge and other credit terms:

(1) Variations resuting from the differing number of days in months need not be taken into account, provided any finance charge disclosed purusant to this provision is labelled as an estimate.

(2) Where the obligation is otherwise repayable in installments scheduled at equal periods, the interval between the date on which the finance charge begins to accrue and the date of the first scheduled payment may be treated as regular, provided that the length of this interval is less than a regular period.

(s) *Certain payment schedule variations.* In making calculations and disclosures, the creditor need not take into account the effects of the following:

(1) The fact that payments must be collected in whole cents; and

(2) The fact that the dates of scheduled payments and advances must be changed because the scheduled date falls on a Saturday, Sunday, or holiday.

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Supplement I to Regulation Z

Rules for Determining the Annual Percentage Rate for Other than Open End Credit Transactions Pursuant to § 226.5(a) of Regulation Z

I. Introduction

Section 226.5(a) of Regulation Z provides that the annual percentage rate for other than open end credit transactions shall be determined in accordance with either the actuarial method or the United States Rule method. This supplement contains an explaination of these methods as well as equations, instructions and examples of how these methods apply to single advance and multiple advance transactions and transactions involving required deposit balances (as defined in § 226.8(e) of the regulation).

Actuarial Method. Under the actuarial method, at the end of each unit-period (or fractional unit-period) the unpaid balance of the amount financed shall be increased by the finance charge accrued during such period and shall be decreased by the total payment (if any) made at the end of such period. The determination of unit-periods and fractional unit-periods shall be consistent with the definitions and rules in Sections II(C) and II(D) and the general equation in Section II(H).

United States Rule Method. Under the United States Rule method, at the end of each payment period, the unpaid balance of the amount financed shall be increased by the finance charge accrued during such payment period and shall be decreased by the payment made at the end of such payment period. If the payment is less than the finance charge accrued, the adjustment of the unpaid balance of the amount financed shall be postponed until the end of the next payment period. If at that time the sum of the two payments is still less than the total accrued finance charge for the two payment periods, the adjustment of the unpaid balance of the amount financed shall be postponed still another payment period, and so forth. In all cases, however, the time interval between the date of consummation and the first addition of accrued finance charge to the unpaid balance of the amount financed, or between successive additions of accrued finance charge to the unpaid balance of the amount financed, shall not exceed 1 year.

II. Actuarial Method

(A) *General rule.* The annual percentage rate shall be the nominal annual percentage rate determined by multiplying the unit-period rate by the number of unit-periods in a year.

(B) *Term of the transaction.* The term of the transaction begins on the date of its consummation, except that if the finance charge or any portion of it is earned beginning on some other date, the term begins on that other date. The term ends on the date the last payment is due, except that if an advance is scheduled after that date, the term ends on the later date. For computation purposes, the length of the term shall be equal to the time interval between any point in time on the beginning date to the same point in time on the ending date.

(C) *Definitions of time intervals.* (1) A period is the interval of time between advances or between payments and includes the interval of time between the date the finance charge begins to be earned and the date of the first advance thereafter or the date of the first payment thereafter, as applicable.

(2) A common period is any period that occurs more than once in a transaction.

(3) A standard interval of time is a day, week, semimonth, month, or a multiple of a week or a month up to, but not exceeding, 1 year.

(4) All months shall be considered equal. Full months shall be measured from any point in time on a given date of a given month to the same point in time on the same date of another month. If a series of payments (or advances) is scheduled for the last day of each month, months shall be measured from the last day of the given month to the last day of another month. If payments (or advances) are scheduled for the 29th or 30th of each month, the last day of February shall be used when applicable.

(D) *Unit-period.* (1) In all transactions other than a single advance, single payment transaction, the unit-period shall be that common period, not to exceed 1 year, that occurs most frequently in the transaction, except that

(a) If 2 or more common periods occur with equal frequency, the smaller of such common periods shall be the unit-period; or

(b) If there is no common period in the transaction, the unit-period shall be that period which is the average of all periods rounded to the nearest whole standard interval of time. If the average is equally near 2 standard intervals of time, the lower shall be the unit-period.

(2) In a single advance, single payment transaction, the unit-period shall be the term of the transaction, but shall not exceed 1 year.

(E) *Number of unit-periods between 2 given dates.* (1) The number of days between 2 dates shall be the number of 24-hour intervals between any point in time on the first date to the same point in time on the second date.

(2) If the unit-period is a month, the number of full unit-periods between 2 dates shall be the number of months measured back from the later date. The remaining fraction of a unit-period shall be the number of days measured forward from the earlier date to the beginning of the first full unit-period, divided by 30. If the unit-period is a month, there are 12 unit-periods per year.

(3) If the unit-period is a semimonth or a multiple of a month not exceeding 11 months, the number of days between 2 dates shall be 30 times the number of full months measured back from the later date, plus the number of remaining days. The number of full unit-periods and the remaining fraction of a unit-period shall be determined by dividing such number of days by 15 in the case of a semimonthly unit-period or by the appropriate multiple of 30 in the case of a multimonthly unit-period. If the unit-period is a semimonth, the number of unit-periods per year shall be 24. If the number of unit-periods is a multiple of a month, the number of unit-periods per year shall be 12 divided by the number of months per unit-period.

(4) If the unit-period is a day, a week, or a multiple of a week, the number of full unit-periods and the remaining fraction of a unit-period shall be determined by dividing the number of days between the 2 given dates by the number of days per unit-period. If the unit-period is a day, the number of unit-periods per year shall be 365. If the unit-period is a week or a multiple of a week, the number of unit-periods per year shall be 52 divided by the number of weeks per unit-period.

(5) If the unit-period is a year, the number of full unit-periods between 2 dates shall be

the number of full years (each equal to 12 months) measured back from the later date. The remaining fraction of a unit-period shall be:

(a) The remaining number of months divided by 12 if the remaining interval is equal to a whole number of months, or

(b) The remaining number of days divided by 365 if the remaining interval is *not* equal to a whole number of months.

(6) In a single advance, single payment transaction in which the term is less than a year and is equal to a whole number of months, the number to unit-periods in the term shall be 1, and the number of unit-periods per year shall be 12 divided by the number of months in the term.

(7) In a single advance, single payment transaction in which the term is less than a year and is *not* equal to a whole number of months, the number of unit-periods in the term shall be 1, and the number of unit-periods per year shall be 365 divided by the number of days in ther term.

(F) *Percentage rate for fraction of a unit-period.* The percentage rate of finance charge for a fraction (less than 1) of a unit-period shall be equal to such fraction multiplied by the percentage rate of finance charge per unit-period.

(G) *Symbols.* The symbols used to express the terms of a transaction in the equation set forth in Section (H) are defined as follows:

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A_k = The amount of the kth advance.

q_k = The number of full unit-periods from the beginning of the term of the transaction to the kth advance.

e_k = The fraction of a unit-period in the time interval from the beginning of the term of the transaction to the kth advance.

m = The number of advances.

P_j = The amount of the jth payment.

t_j = The number of full unit-periods from the beginning of the term of the transaction to the jth payment.

f_j = The fraction of a unit-period in the time interval from the beginning of the term of the transaction to the jth payment.

n = The number of payments.

i = The percentage rate of finance charge per unit-period.

Symbols used in the examples shown in this supplement are defined as follows:

$\ddot{a}_{\overline{x}|}$ = The present value of 1 per unit-period for x unit-periods, first payment due immediately.

$$= 1 + \frac{1}{(1+i)} + \frac{1}{(1+i)^2} + \ldots\ldots\ldots + \frac{1}{(1+i)^x}$$

w = The number of unit-periods per year.

I = wi x 100 = The nominal annual percentage rate.

(H) General equation. The following equation sets forth the relationship among the terms of a transaction:

$$\frac{A_1}{(1+e_1\, i)^q (1+i)^{1}} + \frac{A_2}{(1+e_2\, i)^q (1+i)^{2}} + \ldots + \frac{A_m}{(1+e_m\, i)^q (1+i)^{m}} =$$

$$\frac{P_1}{(1+f_1\, i)^t (1+i)^{1}} + \frac{P_2}{(1+f_2\, i)^t (1+i)^{2}} + \ldots + \frac{P_n}{(1+f_n\, i)^t (1+i)^{n}}$$

(I) Solution of general equation by iteration process. The general equation in Section (H), when applied to a simple transaction in which a loan of $1000 is repaid by 36 monthly payments of $33.61 each, takes the special form:

$$A = \frac{33.61\, \ddot{a}_{\overline{36}|}}{(1+i)}$$

Step 1: Let I_1 = estimated annual percentage rate = 12.50 %

Evaluate expression for A, letting $i = I_1/(100w)$ = .010416667

Result (referred to as A') = 1004.674391

Step 2: Let $I_2 = I_1 + .1$ = 12.60 %

Evaluate expression for A, letting $i = I_2/(100w)$ = .010500000

Result (referred to as A'') = 1003.235366

Step 3: Interpolate for I (annual percentage rate):

$$I = I_1 + .1\, \frac{(A - A')}{(A''-A')}$$

$$= 12.50 + .1\, \frac{(1000.000000 - 1004.674391)}{(1003.235366 - 1004.674391)} = 12.82483042\ \%$$

Step 4: First iteration, let I_1 = 12.82483042 % and repeat

Steps 1, 2, and 3 obtaining a new I = 12.82557859 %

Second iteration, let I_1 = 12.82557859 % and repeat

Steps 1, 2, and 3 obtaining a new I = 12.82557529 %

In this case, no further iterations are required to obtain the annual percentage rate correct to two decimal places, 12.83%.

When the iteration approach is used, it is expected that calculators or computers will be programmed to carry all available decimals throughout the calculation and that enough iterations will be performed to make virtually certain that the annual percentage rate obtained, when rounded to two decimals, is correct.

Annual percentage rates in the examples below were obtained by using a 10 digit programmable calculator and the iteration procedure described above.

(J) Single advance transaction, with or without an odd first period, and otherwise regular. The general equation in Section (H) can be put in the following special form for this type of transaction:

$$A = \frac{1}{(1+fi)(1+i)^{t}} \left(P \ddot{a}_{\overline{n}|} \right)$$

Example (J)(1): Monthly payments (regular first period)

Amount advanced (A) = $5000. Payment (P) = $230.
Number of payments (n) = 24
Unit-period = 1 month. Unit-periods per year (w) = 12.
Advance, 1-10-78. First payment, 2-10-78.
From 1-10-78 through 2-10-78 = 1 unit-period. (t = 1; f= 0)
Annual percentage rate (I) = wi = 9.69 %

Example (J)(2): Monthly payments (long first period)

Amount advanced (A) = $6000. Payment (P) = $200.
Number of payments (n) = 36.
Unit-period = 1 month. Unit-periods per year (w) = 12.
Advance, 2-10-78. First payment, 4-1-78.
From 3-1-78 through 4-1-78 = 1 unit-period. (t = 1)
From 2-10-78 through 3-1-78 = 19 days. (f = 19/30)
Annual percentage rate (I) = wi = 11.82%

Example (J)(3): Semimonthly payments (short first period)

Amount advanced (A) = $5000. Payment (P) = $219.17.
Number of payments (n) = 24.
Unit-period = 1/2 month. Unit-periods per year (w) = 24.
Advance, 2-23-78. First payment, 3-1-78. Payments made on 1st and 16th of each month.
From 2-23-78 through 3-1-78 = 6 days. (t = 0; f = 6/15)
Annual percentage rate (I) = wi = 10.34 %

Example (J)(4): Quarterly payments (long first period)

Amount advanced (A) = $10,000. Payment (P) = $385.
Number of payments (n) = 40.
Unit-period = 3 months. Unit-periods per year (w) = 4.
Advance, 5-23-78. First payment, 10-1-78.
From 7-1-78 through 10-1-78 = 1 unit-period. (t = 1)
From 6-1-78 through 7-1-78 = 1 month = 30 days. From 5-23-78 through 6-1-78 = 9 days.. (f = 39/90)
Annual percentage rate (I) = wi = 8.97 %

Example (J)(5): Weekly payments (long first period)

Amount advanced (A) = $500. Payment (P) = $17.60.
Number of payments (n) = 30.
Unit-period = 1 week. Unit-periods per year (w) = 52.
Advance, 3-20-78. First payment, 4-21-78.
From 3-24-78 through 4-21-78 = 4 unit-periods. (t = 4)
From 3-20-78 through 3-24-78 = 4 days. (f = 4/7)
Annual percentage rate (I) = wi = 14.96 %

(K) Single advance transaction, with an odd first payment, with or without an odd first period, and otherwise regular.

The general equation in Section (H) can be put in the following special form for this type of transaction:

$$A = \frac{1}{(1+fi)(1+i)^t}\left[P_1 + \frac{P\,\ddot{a}_{\overline{n-1}|}}{(1+i)}\right]$$

Example (K)(1): Monthly payments (regular first period and irregular first payment)

Amount advanced (A) = $5000. First payment $\left(\begin{matrix} P \\ 1 \end{matrix}\right)$ = $250.

Regular payment (P) = $230. Number of payments (n) = 24.
Unit-period = 1 month. Unit-periods per year (w) = 12.
Advance, 1-10-78. First payment, 2-10-78.
From 1-10-78 through 2-10-78 = 1 unit-period. (t = 1; f = 0)
Annual percentage rate (I) = wi = 10.08 %

Example (K)(2): Payments every 4 weeks (long first period and irregular first payment)

Amount advanced (A) = $400. First payment $\left(\begin{matrix} P \\ 1 \end{matrix}\right)$ = $39.50

Regular payment (P) = $38.31. Number of payments (n) = 12.
Unit-period = 4 weeks. Unit-periods per year (w) = 52/4 = 13.
Advance, 3-18-78. First payment, 4-20-78.
From 3-23-78 through 4-20-78 = 1 unit-period. (t = 1)
From 3-18-78 through 3-23-78 = 5 days. (f = 5/28)
Annual percentage rate (I) = wi = 28.50%

(L) Single advance transaction, with an odd final payment, with or without an odd first period, and otherwise regular. The general equation in Section (H) can be put in the following special form for this type of transaction:

$$A = \frac{1}{(1+fi)(1+i)^{t}} \left[P\ddot{a}_{\overline{n-1}|} + \frac{Pn}{(1+i)^{n-1}} \right]$$

Example (L)(1): Monthly payments (regular first period and irregular final payment).

Amount advanced (A) = $5000. Regular payment (P) = $230.
Final payment $\left(\begin{matrix} P \\ n \end{matrix}\right)$ = $280. Number of payments (n) = 24.
Unit-period = 1 month. Unit-periods per year (w) = 12.
Advance, 1-10-78. First payment, 2-10-78.

From 1-10-78 through 2-10-78 = 1 unit-period. (t = 1; f = 0)
Annual percentage rate (I) = wi = 10.50%

Example (L)(2): Payments every 2 weeks (short first period and irregular final payment)

Amount advanced (A) = $200. Regular payment (P) = $9.50.
Final payment $\left(\begin{matrix} P \\ n \end{matrix} \right)$ = $176.83. Number of payments (n) = 20.
Unit-period = 2 weeks. Unit-periods per year (w) = 52/2 = 26.
Advance, 4-3-78. First payment, 4-11-78.
From 4-3-78 through 4-11-78 = 8 days. (t = 0; f = 8/14).
Annual percentage rate (I) = wi = 12.22%

(M) Single advance transaction, with an odd first payment, odd final payment, with or without an odd first period, and otherwise regular.

The general equation in Section (H) can be put in the following special form for this type of transaction:

$$A = \frac{1}{(1+fi)(1+i)^{t}} \left[P_1 + \frac{P\,\ddot{a}_{\overline{n-2}|}}{(1+i)} + \frac{P_n}{(1+i)^{n-1}} \right]$$

Example (M)(1): Monthly payments (regular first period, irregular first payment, and irregular final payment)

Amount advanced (A) = $5000. First payment $\left(\begin{matrix} P \\ 1 \end{matrix} \right)$ = $250.
Regular payment (P) = $280. Final payment $\left(\begin{matrix} P \\ n \end{matrix} \right)$ = $280.
Number of payments (n) = 24. Unit-period = 1 month.
Unit-periods per year (w) = 12.
Advance, 1-10-78. First payment, 2-10-78.
From 1-10-78 through 2-10-78 = 1 unit-period. (t = 1; f = 0)
Annual percentage rate (I) = wi = 10.90%

Example (M)(2): Payments every two months (short first period, irregular first payment, and irregular final payment)

Amount advanced (A) = $5000. First payment $\left(\begin{matrix} P \\ 1 \end{matrix} \right)$ = $449.36.
Regular payment (P) = $465. Final payment $\left(\begin{matrix} P \\ n \end{matrix} \right)$ = $200.
Number of payments (n) = 20. Unit-period = 2 months.
Unit-periods per year (w) = 12/2 = 6
Advance, 1-10-78. First payment, 3-1-78.
From 2-1-78 through 3-1-78 = 1 month. From 1-10-78 through 2-1-78 = 22 days. (t = 0; f = 52/60)
Annual percentage rate (I) = wi = 7.30%

(N) Single advance, single payment transaction.

The general equation in Section (H) can be put in the special forms below for single advance, single payment transactions. Forms 1 through 3 are for the direct determination of the annual percentage special conditions. Form 4 requires the use of the iteration procedure of Section (I) and can be used for all single advance, single payment transactions regardless of term.

Form 1 - Term less than 1 year:

$$I = 100w\left(\frac{P}{A} - 1\right)$$

Form 2 - Term more than 1 year but less than 2 years:

$$I = \frac{50}{f}\left\{\left[(1 + f)^2 + 4f\left(\frac{P}{A} - 1\right)\right]^{1/2} - (1 + f)\right\}$$

Form 3 - Term equal to exactly a year or exact multiple of a year.

$$I = 100\left[\left(\frac{P}{A}\right)^{1/t} - 1\right]$$

Form 4 - Special form for iteration procedure (no restriction on term)

$$A = \frac{P}{(1 + fi)(1 + i)^t}$$

Example (N)(1): Single advance, single payment (term of less than 1 year, measured in days)

Amount advanced (A) = $1000. Payment (P) = $1080.
Unit-period = 255 days. Unit-period per year (w) = 365/255.
Advance, 1-3-78. Payment, 9-15-78.
From 1-3-78 through 9-15-78 = 255 days. (t = 0; f = 0)
Annual percentage rate (I) = wi = 11.45%. (Use Form 1 or 4.)

Example (N)(2): Single advance, single payment (term of less than 1 year; measured in exact calendar months)

Amount advanced (A) = $1000. Payment (P) = $1044.
Unit-period = 6 months. Unit-periods per year (w) = 2.
Advance, 7-15-78. Payment, 1-15-79.
From 7-15-78 through 1-15-79 = 6 mos. (t = 1; f = 0)
Annual percentage rate (I) = wi = 8.80%. (Use Form 1 or 4.)

Example (N)(3): Single advance, single payment (term of more than 1 year but less than 2 years, fraction measured in exact months)

Amount advanced (A) = $1000. Payment (P) = $1135.19.
Unit-period = 1 year. Unit-periods per year (w) = 1.
Advance, 7-17-78. Payment, 1-17-80.
From 1-17-79 through 1-17-80 = 1 unit period. (t = 1)
From 7-17-78 through 1-17-79 = 6 mos. (f = 6/12)
Annual percentage rate (I) = wi = 8.76%. (Use Form 2 or 4.)

(O) Complex single advance transaction.

Example (O)(1): Skipped payment loan (payments every 4 weeks)

A loan of $2135 is advanced on 1-25-78. It is to be repaid by 24 payments of $100 each. Payments are due every 4 weeks beginning 2-20-78. However, in those months in which 2 payments would be due, only the first of the two payments is made and the following payment is delayed by 2 weeks to place it in the next month.
Unit-period = 4 weeks. Unit periods per year (w) = 52/4 = 13.
From 1-25-78 through 2-20-78 = 26 days. ($t_1 = 0$; $f_1 = 26/28$)

Second series of payments begins 9 unit-periods plus 2 weeks after 2-20-78. ($t_2 = 10$; $f_2 = 12/28$)

Third series of payments begins 6 unit-periods plus 2 weeks after start of second series. ($t_3 = 16$; $f_3 = 26/28$)

Last series of payments begins 6 unit-periods plus 2 weeks after start of third series. ($t_4 = 23$; $f_4 = 12/23$)

The general equation of Section H can be written in the special form:

$$2135 = \frac{100\,\ddot{a}_{\overline{9}|}}{(1+(26/28)i} + \frac{100\,\ddot{a}_{\overline{6}|}}{(1+(12/28)i)(1+i)^{10}} + \frac{100\,\ddot{a}_{\overline{6}|}}{(1+(26/28)i)(1+i)^{16}} + \frac{100\,\ddot{a}_{\overline{3}|}}{(1+(12/28)i)(1+i)^{23}}$$

Annual percentage rate (I) = wi = 12.00%

Example (O)(2): Skipped payment loan plus single payments

A loan of $7350 on 3-3-78 is to be repaid by three monthly payments of $1000 each beginning 9-15-78, plus a single payment of $2000 on 3-15-79, plus 3 more monthly payments of $750 each beginning 9-15-79, plus a final payment of $1000 on 2-1-80.

Unit-period = 3 months. Unit-periods per year (w) = 12/3 = 4.

From 3-3-78 through 9-15-78 = (12+180) days. $(t_1 = 2, f_1 = 12/90)$

" " " 10-15-78 = (12+210) " $(t_2 = 2, f_2 = 42/90)$

" " " 1-15-79 = (12+240) " $(t_3 = 2, f_3 = 72/90)$

" " " 3-15-79 = (12+360) " $(t_4 = 4, f_4 = 12/90)$

" " " 9-15-79 = (12+540) " $(t_5 = 6, f_5 = 12/90)$

" " " 10-15-79 = (12+570) " $(t_6 = 6, f_6 = 42/90)$

" " " 11-15-79 = (12+600) " $(t_7 = 6, f_7 = 72/90)$

" " " 2-1-80 = (29+660) " $(t_8 = 7, f_8 = 59/90)$

The general equation in Section (H) can be written in the special form:

$$8014 = \frac{1000}{(1+i)^2}\left\{\frac{1}{(1+(12/90)i)} + \frac{1}{(1+(42/90)i)} + \frac{1}{1+(72/90)i)}\right\}$$

$$+ \frac{2000}{(1+(12/90)i)(1+i)^4} + \frac{750}{(1+i)^6}\left\{\frac{1}{(1+(12/90)i)} + \frac{1}{(1+(42/90)i)}\right.$$

$$\left. + \frac{1}{(1+(72/90)i)}\right\} + \frac{1000}{(1+(59/90)i)(1+i)^7}$$

Annual percentage rate (I) = wi = 10.30%

Example (O)(3): Graduated payment mortgage

A loan of $39,688.56 (net) on 4-10-78 is to be repaid by 360 monthly payments beginning 6-1-78. Payments are the same for 12 months at a time as follows:

Year	Monthly payment	Year	Monthly payment	Year	Monthly payment
1	$291.81	11	$385.76	21	$380.43
2	300.18	12	385.42	22	379.60
3	308.78	13	385.03	23	378.68
4	317.61	14	384.62	24	377.69
5	326.65	15	384.17	25	376.60
6	335.92	16	383.67	26	375.42
7	345.42	17	383.13	27	374.13
8	355.15	18	382.54	28	372.72
9	365.12	19	381.90	29	371.18
10	375.33	20	381.20	30	369.50

Unit-period = 1 month. Unit-periods per year (w) = 12.
From 5-1-78 through 6-1-78 = 1 unit-period. (t = 1)
From 4-10-78 through 5-1-78 = 21 days. (f = 21/30)

The general equation in Section (H) can be written in the special form:

$$39{,}688.56 = \frac{\ddot{a}_{\overline{12}|}}{(1+(21/30)i)(1+i)} \left[291.81 + \frac{300.18}{(1+i)^{12}} + \frac{308.78}{(1+i)^{24}} + \cdots + \frac{369.50}{(1+i)^{348}} \right]$$

Annual percentage rate (I) = wi = 9.80%

(P) Multiple advance transactions.

Example (P)(1): Construction loan

Three advances of $20,000 each are made on 4-10-79, 6-12-79, and 9-18-79. Repayment is by 240 monthly payments of $612.36 each beginning 12-10-79.

Unit-period = 1 month. Unit-periods per year (w) = 12.
From 4-10-79 through 6-12-79 = (2+2/30) unit-periods.
From 4-10-79 through 9-18-79 = (5+8/30) unit-periods.
From 4-10-79 through 12-10-79 = (8) unit-periods.

The general equation in Section (H) is changed to the single advance mode by treating the 2nd and 3rd advances as negative payments:

$$20{,}000 = \frac{612.36\ \ddot{a}_{\overline{240}|}}{(1+i)^{8}} - \frac{20{,}000}{(1+(2/30)i)(1+i)^{2}} - \frac{20{,}000}{(1+(8/30)i)(1+i)^{5}}$$

Annual percentage rate (I) = wi = 10.25%

Example (P)(2): Student loan

A student loan consists of 8 advances: $1800 on 9-5-78, 9-5-79, 9-5-80, and 9-5-81; plus $1000 on 1-5-79, 1-5-80, 1-5-81, and 1-5-82. The borrower is to make 50 monthly payments of $240 each beginning 7-1-78 (prior to first advance).

Unit-period = 1 month. Unit-periods per year (w) = 12.

Zero point is date of first payment since it precedes first advance.

From 7-1-78 to 9-5-78 = (2 + 4/30) unit-periods.
" " " 9-5-79 = (14 + 4/30) "
" " " 9-5-80 = (26 + 4/30) "
" " " 9-5-81 = (38 + 4/30) "
" " " 1-5-79 = (6 + 4/30) "
" " " 1-5-80 = (18 + 4/30) "
" " " 1-5-81 = (30 + 4/30) "
" " " 1-5-82 = (42 = 4/30) "

Since the zero point is date of first payment, the general equation in Section (H) is written in the single advance form below by treating the first payment as a negative advance and the 8 advances as negative payments:

$$-240 = \frac{240\,\ddot{a}_{\overline{49}|}}{(1+i)} - \frac{1800}{1+(4/30)i}\left[\frac{1}{(1+i)^{2}} + \frac{1}{(1+i)^{14}} + \frac{1}{(1+i)^{26}} + \frac{1}{(1+i)^{38}}\right] - \frac{1000}{1+(4/30)i}\left[\frac{1}{(1+i)^{6}} + \frac{1}{(1+i)^{18}} + \frac{1}{(1+i)^{30}} + \frac{1}{(1+i)^{42}}\right]$$

Annual percentage rate (I) = wi = 32.04%

(Q) Transaction involving required deposit balance.

Example (Q)(1): Required constant deposit balance.

Creditor advances $1000 on 4-12-79 and requires borrower to maintain a deposit balance of $200 throughout the 12 month loan. The loan is to be repaid by 12 equal monthly payments of $90 each beginning 5-12-79. The deposit balance will be released on 4-12-80.

Unit-period = 1 month. Unit-periods per year (w) = 12.
From 4-12-79 through 5-12-79 = 1 unit-period.
From 4-12-79 through 4-12-80 = 12 unit-periods.

The general equation in Section (H) can be written as:

$$800 + \frac{200}{(1+i)^{12}} = \frac{90\,\ddot{a}_{\overline{12}|}}{(1+i)}$$

or for iteration solution as:

$$800 = \frac{90\,\ddot{a}_{\overline{12}|}}{(1+i)} - \frac{200}{(1+i)^{12}}$$

Annual percentage rate (I) = wi = 22.23%

Example (Q)(2): Required periodic deposits into a restricted account

Creditor advances $1000 on 6-15-79. Borrower is required to make 12 monthly payments of $110 each beginning 7-15-79, of which $20 is to be deposited into an account. The account will be released to the borrower at time of final payment on 6-15-80.

Unit-period = 1 month. Unit-periods per year (w) = 12.
From 6-15-79 through 7-15-79 = 1 unit-period.

The general equation in Section (H) can be written as:

$$1000 + \frac{240}{(1+i)^{12}} = \frac{110\ \ddot{a}_{\overline{12}|}}{(1+i)}$$

or for iteration solution as:

$$1000 = \frac{110\ \ddot{a}_{\overline{12}|}}{(1+i)} - \frac{240}{(1+i)^{12}}$$

Annual percentage rate (I) = wi = 17.79%

III. UNITED STATES RULE METHOD

(A) General rule. The annual percentage rate shall be the nominal annual percentage rate determined by multiplying the daily rate by 365, the number of days in a year.

(B) Term of the transaction. The term of the transaction begins on the date of its consummation, except that if the finance charge or any portion of it is earned beginning on some other date, the term begins on that other date. The term ends on the date the last payment is due, except that if an advance is scheduled after that date, the term ends on the later date. For computation purposes, the length of the term shall be equal to the time interval between any point in time on the beginning date to the same point in time on the ending date.

(C) Symbols. The symbols used to express the terms of a transaction in the equation set forth in Section (D) are defined as follows:

A_k = The amount of the kth advance.

g_j = The number of days in the jth payment period.

h_k = The number of days from date of the kth advance to date of next payment.

n = The number of payments.

i = The percentage rate of finance charge per day.

I = 365i = The nominal annual percentage rate.

(D) General equation. The following equation sets forth the relationship among the terms of a transaction:

$$A_1 = \frac{P_1}{(1+g_1 i)} + \frac{P_2}{(1+g_1 i)(1+g_2 i)} + \frac{P_3}{(1+g_1 i)(1+g_2 i)(1+g_3 i)} + \cdots\cdots + \frac{P_n}{(1+g_1 i)(1+g_2 i)\cdots\cdots(1+g_n i)}$$

If there are multiple advances, and the kth advance occurs in the jth payment period, the jth term on the right hand side of the equation can take the form:

$$\frac{P_j - A_k (1+h_k i)}{(1+g_1 i)(1+g_2 i)\cdots(1+g_j i)}$$

Alternatively, the kth advance can be shown on the left-hand side of the equation as follows:

$$\frac{A_k (1+h_k i)}{(1+g_1 i)(1+g_2 i)\cdots(1+g_j i)}$$

(E) Single advance transaction with equal payments. A loan of $500.16 is made on 1-15-79. Six monthly payments of $86.27 each are due on 2-15-79, 3-15-79, etc. through 6-15-79.

The general equation takes the form:

$$\$500.16 = \frac{\$86.27}{(1+31i)} + \frac{\$86.27}{(1+31i)(1+28i)} + \ldots$$

$$\ldots + \frac{\$86.27}{(1+31i)(1+28i)(1+31i)(1+30i)(1+31i)(1+30i)}$$

Using an iteration process of the type shown in Section II(I), the annual percentage rate, I, is found to be 12.00%.

[Note: If the above transaction had run from 7-15-79 through 1-15-80, the APR would have been 11.76%.]

(F) Single advance transaction with long first period and large final payment. A real estate loan for $50,000 is made on 1-15-79. Four monthly payments of $438.56 are made on 3-15-79, 4-15-79, 5-15-79, and 6-15-79 plus a balloon payment of $50,733.59 on 7-15-79.

Because the first payment is not sufficient to pay the accrued finance charge on the $50,000 balance, it is combined with the second payment and the equation takes the form:

$$\$50,000 = \frac{\$877.12}{(1+90i)} + \frac{\$438.56}{(1+90i)(1+30i)} + \frac{\$438.56}{(1+90i)(1+30i)(1+31i)}$$

$$+ \frac{\$50,733.59}{(1+90i)(1+30i)(1+31i)(1+30i)}$$

Using an iteration process of the type shown in Section II(I), the annual percentage rate, I, is found to be 10.00%.

(G) Multiple advance transaction with long first period and large final payment. The first advance of a real estate loan is made in the amount of $25,000 on 1-15-79. A second advance of $25,000 is made on 4-1-79. Four

payments of $438.72 each are made monthly on 3-15-79 through 6-15-79, followed by a balloon of $50,198.98 on 7-15-79.

Since the second advance occurs in the second payment period, it is combined with the second payment and the equation takes the form:

$$\$25{,}000 = \frac{\$438.72}{(1+59i)} + \frac{\$438.72 - \$25{,}000(1+14i)}{(1+59i)(1+31i)}$$

$$+ \frac{\$438.72}{(1+59i)(1+31i)(1+30i)} + \frac{\$438.72}{(1+59i)(1+31i)(1+30i)(1+31i)}$$

$$+ \frac{\$50{,}198.98}{(1+59i)(1+31i)(1+30i)(1+31i)(1+30i)}$$

Using an iteration process of the type shown in Section II(I), the annual percentage rate, I, is found to be 10.00%.

* * * * *

VOLUME I OF BOARD'S APR TABLES

APPENDIX

FINDING THE ANNUAL PERCENTAGE RATE FOR CERTAIN IRREGULAR TRANSACTIONS

This appendix provides a method of determining the annual percentage rate for certain irregular transactions. It can be used for single advance transactions in which all payment periods and payment amounts are equal except for one or more of the following irregularities:

A first payment period that is shorter than the regular period or is no more than 3 times longer than the regular period.

A first payment amount that is smaller than the regular payment or is no more than 3 times larger than the regular payment.

A final payment amount that is smaller than the regular payment or is no more than 20 times larger than the regular payment.

INSTRUCTIONS

Step 1 - Adjust for large first payment and compute FC/100

If the first payment is larger than the regular payment:

a. Reduce the amount financed by the excess of the first payment over the regular payment.

b. Treat the first payment as regular.

Find the finance charge per $100 of amount financed (FC/100) by multiplying the finance charge by 100 and dividing by the amount financed, or by the reduced amount financed from (a) above when applicable.

If there are no other irregularities, determine the APR from the rate tables as usual.

Step 2 - Adjust for odd final payment and/or small first payment

If the amount of the final payment is different from the amount of the first payment (as adjusted by Step 1 when applicable), increase or decrease the number of payments by the following:

$$\frac{(\text{Amt. of final pmt.} - \text{Amt. of first pmt.}) \times (\text{No. of pmts.} - 1)}{(\text{Amount Financed}^{1/} + \text{Finance Charge})} = \text{Adjustment to number of payments}$$

If there are no other irregularities, go to Step 4.

Step 3 - Adjust for odd first period

If the first payment period is longer or shorter than a regular period, increase or decrease the number of payments (or the adjusted number of payments resulting from Step 2 when applicable) by the following:

1/ As adjusted by Step 1 when applicable.

[Long days (+)or short days (-)] X [Factor from Factor Table] =

Adjustment to number of payments

To get the factor from the Factor Table, find the payment line in the left-hand column which is equal to the number of payments in the transaction (or to the nearest whole number to the adjusted number of payments if Step 2 was used). Then select a rate from the top row of the Factor Table which is closest to the estimated rate.[2/]

Note that it may be necessary to repeat Steps 3 and 4 if the appropriate rate column is not selected the first time. (See Step 5 below.)

Step 4 - Adjust the finance charge per $100 of amount financed (FC/100)

If the number of payments was adjusted in Step 2 or 3, determine the adjusted finance charge per $100 of the amount financed in the following formula:

$$\text{FC/100} \times \frac{\text{(Adjusted no. of pmts. rounded to nearest whole number)}}{\text{(Adjusted number of payments)}} = \text{Adjusted FC/100}$$

If the adjusted number of payments (unrounded) is less than 12, however, use the following formula:

$$\text{FC/100} \times \frac{\text{(Adjusted no. of pmts. rounded to nearest whole number)} + 1}{\text{(Adjusted number of payments)} + 1} = \text{Adjusted FC/100}$$

2/ If a better basis is not available for estimating the rate, use the APR from the rate tables which corresponds to the number of payments (adjusted by Step 2 when applicable) and the FC/100 from Step 1.

Step 5 - Find APR from rate tables

Determine the APR from the rate tables using the adjusted number of payments rounded to the nearest whole number and the adjusted FC/100. If the APR so determined varies from the Factor Table rate column selected in Step 3 by more than 5 percentage points, Steps 3 and 4 must be repeated using the rate column closest to the rate initially determined.

EXAMPLE 1 - ODD FIRST PERIOD

Amount Financed	$1000
Finance Charge	118.64
First Period	1 month and 20 days
24 payments of $46.61 each	

Step 1 - Adjust for large first payment and compute FC/100

Adjustment for large first payment not applicable

$$FC/100 = \frac{118.64 \times 100}{1000} = 11.86$$

Step 2 - Adjust for odd final payment and/or small first payment

Not applicable

Step 3 - Adjust for odd first period

In the Factor Table, select the rate column closest to the estimated rate[3/] and find the factor .0690 on the 24 payment line.

No. of odd days	x	Factor from Factor Table	=	Adjustment to no. of pmts.
+ 20	x	.0690	=	1.38
				+24.00
		Adjusted no. of pmts.	=	25.38

3/An estimated rate of 11% can be determined from the rate tables by using a FC/100 of 11.86 and 24 payments; the nearest column on the Factor Table is 10%.

Step 4 - Adjust the FC/100

$$11.86 \times \frac{25}{25.38} = 11.68 = \text{Adjusted FC/100}$$

Step 5 - Find APR from rate tables

Using 25 payments and a FC/100 of 11.68, APR = 10.50%

EXAMPLE 2 - ODD FIRST PERIOD AND LARGE FIRST PAYMENT

Amount Financed	$1000
Finance Charge	100
First Period	20 days
24 Payments:	
First	$65
Regular	45

Step 1 - Adjust for large first payment and compute FC/100

1000 - (65-45) = 980 = Adjusted amount financed

$$FC/100 = \frac{100 \times 100}{980} = 10.20$$

Step 2 - Adjust for odd final payment and/or small first payment

Not applicable

Step 3 - Adjust for odd first period

In the Factor Table, select the rate column closest to the estimated rate[4/] and find the factor .0690 on the 24 payment line.

No. of odd days	x	Factor from Factor Table	=	Adjustment to no. of pmts.
- 10	x	.0690	=	-.69
				+24.00
		Adjusted no. of pmts.	=	23.31

4/ An estimated rate of 9.50% can be determined from the rate tables by using a FC/100 of 10.20 and 24 payments. The nearest column on the Factor Table is 10%.

Step 4 - Adjust the FC/100

$$10.20 \times \frac{23}{23.31} = 10.06 = \text{Adjusted FC/100}$$

Step 5 - Find APR from rate tables

Using 23 payments and a FC/100 of 10.06, the APR = 9.75%

EXAMPLE 3 - ODD FIRST PERIOD, LARGE FIRST PAYMENT AND LARGE FINAL PAYMENT

Amount Financed	$5000
Finance Charge	1698.85
First Period	1 month and 20 days
30 Payments:	
First	$ 394.05
Regular	131.35
Final	2627.00

Step 1 - Adjust for large first payment and compute FC/100

$5000 - (394.05 - 131.35) = 4737.30 = \text{Adjusted amount financed}$

$$\text{FC/100} = \frac{1698.85 \times 100}{4737.30} = 35.86$$

Step 2 - Adjust for odd final payment

$$\frac{(2627 - 131.35) \times 29}{(4737.30 + 1698.85)} = \text{Adjustment to no. of pmts.}$$

$$\frac{2494.65 \times 29}{2136.15} = 11.24$$

$$+ 30.00$$

$$41.24 = \text{Adjusted no. of pmts.}$$

Step 3 - Adjust for odd first period

In the Factor Table, select the rate column closest to the estimated rate*/ and find the factor .0729 on the 41 payment line.

No. of odd days	x	Factor from Factor Table	=	Adjustment to no. of pmts.
+ 20	x	.0752	=	- 1.50

No. of pmts. from Step 2 = +41.24
Adjusted no. of pmts. = 42.74

Step 4 - Adjust the FC/100

$$35.86 \times \frac{43}{42.74} = 36.08 = \text{Adjusted FC/100}$$

Step 5 - Find APR from rate tables

Using 43 payments and a FC/100 of 36.08, APR = 17.75%

*/An estimated rate of 18.50% can be determined from the rate tables by using a FC/100 of 35.86 and 41 payments. The nearest column on the Factor Table is 20%.

FACTOR TABLE
Odd First Period Adjustment Factors

No. of pmts.	0%	5%	10%	15%	20%	25%	30%	35%	40%	45%	50%	55%	60%
2	.0667	.0668	.0669	.0670	.0671	.0672	.0674	.0675	.0676	.0677	.0678	.0679	.0680
3	.0667	.0668	.0670	.0672	.0673	.0675	.0676	.0678	.0680	.0681	.0683	.0685	.0686
4	.0667	.0669	.0671	.0673	.0675	.0677	.0679	.0681	.0683	.0686	.0688	.0690	.0692
5	.0667	.0669	.0672	.0674	.0677	.0680	.0682	.0685	.0687	.0690	.0693	.0695	.0698
6	.0667	.0670	.0673	.0676	.0679	.0682	.0685	.0688	.0691	.0694	.0697	.0701	.0704
7	.0667	.0670	.0674	.0677	.0681	.0684	.0688	.0691	.0695	.0699	.0702	.0706	.0710
8	.0667	.0672	.0675	.0679	.0683	.0687	.0691	.0695	.0699	.0703	.0708	.0712	.0716
9	.0667	.0671	.0676	.0680	.0685	.0689	.0694	.0698	.0703	.0708	.0713	.0717	.0722
10	.0667	.0672	.0674	.0681	.0687	.0692	.0697	.0702	.0707	.0712	.0718	.0723	.0729
11	.0667	.0672	.0677	.0683	.0688	.0694	.0700	.0705	.0711	.0717	.0723	.0729	.0735
12	.0667	.0672	.0678	.0684	.0690	.0697	.0703	.0709	.0715	.0722	.0728	.0735	.0742
13	.0667	.0673	.0679	.0686	.0692	.0699	.0706	.0713	.0720	.0727	.0734	.0741	.0748
14	.0667	.0673	.0680	.0687	.0694	.0702	.0709	.0716	.0724	.0731	.0739	.0747	.0755
15	.0667	.0674	.0681	.0689	.0696	.0704	.0712	.0720	.0728	.0736	.0745	.0753	.0762
16	.0667	.0674	.0682	.0690	.0698	.0707	.0715	.0724	.0732	.0741	.0750	.0759	.0769
17	.0667	.0675	.0683	.0692	.0700	.0709	.0718	.0727	.0737	.0746	.0756	.0766	.0776
18	.0667	.0675	.0684	.0693	.0702	.0712	.0721	.0731	.0741	.0751	.0762	.0772	.0783
19	.0667	.0676	.0685	.0695	.0704	.0714	.0725	.0735	.0746	.0756	.0767	.0779	.0790
20	.0667	.0676	.0686	.0696	.0706	.0717	.0728	.0739	.0750	.0762	.0773	.0785	.0797
21	.0667	.0677	.0687	.0698	.0709	.0720	.0731	.0743	.0755	.0767	.0779	.0792	.0805
22	.0667	.0677	.0688	.0699	.0711	.0722	.0734	.0747	.0759	.0772	.0785	.0799	.0812
23	.0667	.0678	.0689	.0701	.0713	.0725	.0738	.0751	.0764	.0777	.0791	.0806	.0820
24	.0667	.0678	.0690	.0702	.0715	.0728	.0741	.0755	.0768	.0783	.0797	.0812	.0828
25	.0667	.0679	.0691	.0704	.0717	.0730	.0744	.0759	.0773	.0788	.0804	.0819	.0836
26	.0667	.0679	.0692	.0705	.0719	.0733	.0748	.0763	.0778	.0794	.0810	.0827	.0844
27	.0667	.0680	.0693	.0707	.0721	.0736	.0751	.0767	.0783	.0799	.0816	.0834	.0852
28	.0667	.0680	.0694	.0708	.0723	.0739	.0754	.0771	.0788	.0805	.0823	.0841	.0860
29	.0667	.0681	.0695	.0710	.0725	.0741	.0758	.0775	.0792	.0811	.0829	.0848	.0868
30	.0667	.0681	.0696	.0711	.0728	.0744	.0761	.0779	.0797	.0816	.0836	.0856	.0876

No. of pmts.	0%	5%	10%	15%	20%	25%	30%	35%	40%	45%	50%	55%	60%
31	.0667	.0682	.0697	.0713	.0730	.0747	.0765	.0783	.0802	.0822	.0842	.0863	.0885
32	.0667	.0682	.0698	.0715	.0732	.0750	.0768	.0788	.0807	.0828	.0849	.0871	.0893
33	.0667	.0683	.0699	.0716	.0734	.0753	.0772	.0792	.0813	.0834	.0856	.0879	.0902
34	.0667	.0683	.0700	.0718	.0736	.0755	.0775	.0796	.0818	.0840	.0863	.0886	.0911
35	.0667	.0683	.0701	.0719	.0738	.0758	.0779	.0801	.0823	.0846	.0870	.0894	.0920
36	.0667	.0684	.0702	.0721	.0741	.0761	.0783	.0805	.0828	.0852	.0877	.0902	.0929
37	.0667	.0684	.0703	.0723	.0743	.0764	.0786	.0809	.0833	.0858	.0884	.0910	.0938
38	.0667	.0685	.0704	.0724	.0745	.0767	.0790	.0814	.0839	.0864	.0891	.0919	.0947
39	.0667	.0685	.0705	.0726	.0747	.0770	.0794	.0818	.0844	.0871	.0898	.0927	.0956
40	.0667	.0686	.0706	.0727	.0750	.0773	.0797	.0823	.0849	.0877	.0906	.0935	.0966
41	.0667	.0686	.0707	.0729	.0752	.0776	.0801	.0827	.0855	.0883	.0913	.0944	.0975
42	.0667	.0687	.0708	.0731	.0754	.0779	.0805	.0832	.0860	.0890	.0920	.0952	.0985
43	.0667	.0687	.0709	.0732	.0757	.0782	.0809	.0837	.0866	.0896	.0928	.0961	.0995
44	.0667	.0688	.0710	.0734	.0759	.0785	.0813	.0841	.0871	.0903	.0935	.0969	.1004
45	.0667	.0688	.0711	.0736	.0761	.0788	.0816	.0846	.0877	.0909	.0943	.0978	.1014
46	.0667	.0689	.0712	.0737	.0764	.0791	.0820	.0851	.0883	.0916	.0951	.0987	.1024
47	.0667	.0689	.0713	.0739	.0766	.0794	.0824	.0856	.0888	.0923	.0959	.0996	.1035
48	.0667	.0690	.0714	.0741	.0768	.0797	.0828	.0860	.0894	.0930	.0967	.1005	.1045
49	.0667	.0690	.0716	.0742	.0771	.0801	.0832	.0865	.0900	.0937	.0974	.1014	.1055
50	.0667	.0691	.0717	.0744	.0773	.0804	.0836	.0870	.0906	.0943	.0983	.1023	.1065
51	.0667	.0691	.0718	.0746	.0775	.0807	.0840	.0875	.0912	.0950	.0991	.1033	.1076
52	.0667	.0692	.0719	.0747	.0778	.0810	.0844	.0880	.0918	.0957	.0999	.1042	.1087
53	.0667	.0692	.0720	.0749	.0780	.0813	.0848	.0885	.0924	.0965	.1007	.1051	.1097
54	.0667	.0693	.0721	.0751	.0783	.0816	.0852	.0890	.0930	.0972	.1015	.1061	.1108
55	.0667	.0693	.0722	.0752	.0785	.0820	.0856	.0895	.0936	.0979	.1024	.1071	.1119
56	.0667	.0694	.0723	.0754	.0787	.0823	.0861	.0900	.0942	.0986	.1032	.1080	.1130
57	.0667	.0694	.0724	.0756	.0790	.0826	.0865	.0905	.0948	.0994	.1041	.1090	.1141
58	.0667	.0695	.0725	.0758	.0792	.0830	.0869	.0911	.0955	.1001	.1049	.1100	.1152
59	.0667	.0695	.0726	.0759	.0795	.0833	.0873	.0916	.0961	.1008	.1058	.1110	.1164
60	.0667	.0696	.0727	.0761	.0797	.0836	.0877	.0921	.0967	.1016	.1067	.1120	.1175

No of pmts.	0%	5%	10%	15%	20%	25%	30%	35%	40%
61	.0667	.0696	.0728	.0763	.0800	.0840	.0882	.0926	.0974
62	.0667	.0697	.0729	.0765	.0802	.0843	.0886	.0932	.0980
63	.0667	.0697	.0731	.0766	.0805	.0846	.0890	.0937	.0987
64	.0667	.0698	.0732	.0768	.0808	.0850	.0895	.0943	.0993
65	.0667	.0698	.0733	.0770	.0810	.0853	.0899	.0948	.1000
66	.0667	.0699	.0734	.0772	.0813	.0857	.0903	.0953	.1006
67	.0667	.0699	.0735	.0774	.0815	.0860	.0908	.0959	.1013
68	.0667	.0700	.0736	.0775	.0818	.0863	.0912	.0964	.1020
69	.0667	.0700	.0737	.0777	.0820	.0867	.0917	.0970	.1026
70	.0667	.0701	.0738	.0779	.0823	.0870	.0921	.0976	.1033
71	.0667	.0701	.0739	.0781	.0826	.0874	.0926	.0981	.1040
72	.0667	.0702	.0740	.0783	.0828	.0878	.0931	.0987	.1047
73	.0667	.0702	.0742	.0784	.0831	.0881	.0935	.0993	.1054
74	.0667	.0703	.0743	.0786	.0834	.0885	.0940	.0999	.1061
75	.0667	.0703	.0744	.0788	.0836	.0888	.0944	.1004	.1068
76	.0667	.0704	.0745	.0790	.0839	.0892	.0949	.1010	.1075
77	.0667	.0704	.0746	.0792	.0842	.0896	.0954	.1016	.1082
78	.0667	.0705	.0747	.0794	.0844	.0899	.0959	.1022	.1089
79	.0667	.0705	.0748	.0796	.0847	.0903	.0963	.1028	.1097
80	.0667	.0706	.0750	.0797	.0850	.0907	.0968	.1034	.1104
81	.0667	.0706	.0751	.0799	.0853	.0910	.0973	.1040	.1111
82	.0667	.0707	.0752	.0801	.0855	.0914	.0978	.1046	.1119
83	.0667	.0708	.0753	.0803	.0858	.0918	.0983	.1052	.1126
84	.0667	.0708	.0754	.0805	.0861	.0922	.0987	.1058	.1133
85	.0667	.0709	.0755	.0807	.0864	.0925	.0992	.1064	.1141
86	.0667	.0709	.0756	.0809	.0866	.0929	.0997	.1070	.1148
87	.0667	.0710	.0758	.0811	.0869	.0933	.1002	.1077	.1156
88	.0667	.0710	.0759	.0813	.0872	.0937	.1007	.1083	.1163
89	.0667	.0711	.0760	.0815	.0875	.0941	.1012	.1089	.1171
90	.0667	.0711	.0761	.0817	.0878	.0945	.1017	.1096	.1179

No. of pmts.	0%	5%	10%	15%	20%	25%	30%	35%	40%
91	.0667	.0712	.0762	.0818	.0881	.0949	.1022	.1102	.1187
92	.0667	.0712	.0763	.0820	.0883	.0953	.1028	.1108	.1194
93	.0667	.0713	.0765	.0822	.0886	.0957	.1033	.1115	.1202
94	.0667	.0713	.0766	.0824	.0889	.0960	.1038	.1121	.1210
95	.0667	.0714	.0767	.0826	.0892	.0964	.1043	.1128	.1218
96	.0667	.0714	.0768	.0828	.0895	.0968	.1048	.1134	.1226
97	.0667	.0715	.0769	.0830	.0898	.0972	.1053	.1141	.1234
98	.0667	.0715	.0770	.0832	.0901	.0977	.1059	.1147	.1242
99	.0667	.0716	.0772	.0834	.0904	.0981	.1064	.1154	.1250
100	.0667	.0716	.0773	.0836	.0907	.0985	.1069	.1161	.1258
101	.0667	.0717	.0774	.0838	.0910	.0989	.1075	.1167	.1266
102	.0667	.0717	.0775	.0840	.0913	.0993	.1080	.1174	.1274
103	.0667	.0718	.0776	.0842	.0916	.0997	.1085	.1181	.1282
104	.0667	.0719	.0778	.0844	.0919	.1001	.1091	.1188	.1291
105	.0667	.0719	.0779	.0846	.0922	.1005	.1096	.1194	.1299
106	.0667	.0720	.0780	.0849	.0925	.1009	.1102	.1201	.1307
107	.0667	.0720	.0781	.0851	.0928	.1014	.1107	.1208	.1316
108	.0667	.0721	.0783	.0853	.0931	.1018	.1113	.1215	.1324
109	.0667	.0721	.0784	.0855	.0934	.1022	.1118	.1222	.1333
110	.0667	.0722	.0785	.0857	.0937	.1026	.1124	.1229	.1341
111	.0667	.0722	.0786	.0859	.0940	.1031	.1129	.1236	.1350
112	.0667	.0723	.0787	.0861	.0944	.1035	.1135	.1243	.1358
113	.0667	.0723	.0789	.0863	.0947	.1039	.1141	.1250	.1367
114	.0667	.0724	.0790	.0865	.0950	.1044	.1146	.1257	.1375
115	.0667	.0724	.0791	.0867	.0953	.1048	.1152	.1264	.1384
116	.0667	.0725	.0792	.0869	.0956	.1052	.1158	.1271	.1393
117	.0667	.0726	.0794	.0872	.0959	.1057	.1163	.1279	.1401
118	.0667	.0726	.0795	.0874	.0962	.1061	.1169	.1286	.1410
119	.0667	.0727	.0796	.0876	.0966	.1066	.1175	.1293	.1419
120	.0667	.0727	.0797	.0878	.0969	.1070	.1181	.1300	.1428

BILLING CODE 6210-01-C

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, comments or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 15, 1979, and should include the docket number R-0239. The material submitted will be made available for public inspection and copying, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

By order of the Board of Governors, July 24, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-23546 Filed 7-31-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 509, 509a, 550, and 566]

[No. 79-402]

General Regulations of the Federal Home Loan Bank Board; Proposed Amendments Concerning Supervisory Authority

July 26, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: In implementation of Title I of Pub. L. 95-630, the Federal Home Loan Bank Board proposes to revise its regulations pertaining to: (1) Removals, suspensions, and prohibitions in cases where officers, directors or employees of institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, or other persons participating in the institutions' affairs, are charged with or are convicted of a crime; and (2) application of rules of practice and procedure regarding APA adjudicative proceedings to new powers included in Title I. The agency also proposes to take this opportunity to revise, simplify, and update some of its APA hearing rules and delete unnecessary regulatory provisions.

COMMENTS MUST BE RECEIVED BY: August 31, 1979.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION, PLEASE CONTACT: Larry M. Berkow, Associate General Counsel, Federal Home Loan Bank Board (202-377-6430).

SUPPLEMENTARY INFORMATION: Title I of Pub. L. 95-630, the Financial Institutions Regulatory and Interest Rate Control Act of 1978 ("Act") expanded the supervisory authority of the Federal Home Loan Bank Board ("Bank Board") in a number of areas. The Bank Board believes that its statutory supervisory authority, set forth in subsection 5(d) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)), and sections 407 and 408 of the National Housing Act of 1934, as amended (12 U.S.C. 1730 and 1731), including the amendments thereto set forth in Title I of the Act, is self-explanatory and self-executing, and the Bank Board is therefore proposing to delete Parts 550 and 566 (12 CFR Parts 550 and 566), which merely track that statutory language, from its regulations. However, § 566.5 of the Bank Board's Insurance Regulations, which pertains to informal hearings in regard to suspensions, removal or prohibitions of officers, directors, employees or other persons participating in the affairs of an FSLIC insured institution, would be retained, with modifications consistent with the Act's requirements; it would be redesignated as a new Part 509a and more appropriately located in the regulations setting forth adjudicative procedures.

Procedural Changes

The Bank Board proposes amending a number of sections in Part 509, pertaining to rules of practice and procedure in adjudications. Section 509.1 would be amended by addition of new paragraphs (f) and (g), applying our APA hearing rules to the (1) assessment of civil money penalties and (2) termination of certain activities, pursuant to the Bank Board's new authority under the Act.

Paragraph 509.2(c) would be updated by substituting "administrative law judge" for "hearing officer". Paragraph 509.3(a) would be amended by deleting provision for non-attorney representatives at hearings, in recognition of the lack of use of this provision in the past, and to assure adequate protection of parties at hearings. A sentence would be added to § 509.4 providing for amendments to notices of proceedings.

Paragraph 509.6(e) would be amended to provide for postponement or other changes in the scheduling of hearings by the presiding officer without requiring Bank Board approval or agreement by the parties, because it is in the public interest to expedite proceedings.

Section 509.8 would be amended in two places: in paragraph (a), a requirement that persons taking depositions have the "power to administer oaths" would be deleted in order to avoid later questions of the validity of the proceedings and to eliminate the required presence at depositions of additional persons such as notaries. Paragraph (b) would be amended by deleting a reference to the Bank Board, rather than to the presiding officer, with regard to applications to take depositions, in order to avoid burdening the Bank Board and because such applications are more appropriately handled by the presiding officer.

Paragraph 509.11(a) would be amended by allowing submission of proposed findings and conclusions by parties directly after the close of the hearing, rather than waiting for notice of filing and transmission of the record to the Bank Board in Washington.

Changes in Rules on Hearings Relating To Removals, Suspensions, and Prohibitions Where a Crime Is Charged or Proven

Present § 566.5 would be simplified, restructured, shortened, and amended in conformance with the provisions of Title I, and would be redesignated as a new Part 509a located in the Bank Board's regulations pertaining to adjudicative procedures. Application of removal, suspension, and prohibition procedures would be expanded to include coverage of service corporation affiliates, savings and loan holding companies and savings and loan holding company subsidiaries.

The regulations would be amended to provide specifically that a notice or order of removal, suspension, or prohibition shall indicate the basis for such action. The present regulation (§ 566.5(a)(2)(i)) allows affected parties the opportunity to request a hearing at which to present evidence generally that the sanction "should not continue in effect"; the proposed language, in conformance with Title I, would provide that parties show that continued service or participation in company affairs does not, and is not likely to, pose a threat to the interests of the company's depositors or threaten to impair public confidence in the company.

"Hearing" would be amended to "informal hearing" to emphasize that formal adjudicatory procedures shall not apply. The 30-day period after receipt of request, during which time a hearing must be held under the present regulation, could be extended at the

request of an affected party under the proposed regulations.

In determining relevant considerations to removals, suspensions and prohibitions, three changes would be made in conformance with Title I: (1) The present felony/misdemeanor language would be replaced by "a crime puinishable by a term exceeding one year under State or Federal law"; (2) the present consideration of whether the affected party's continued presence would constitute a possible danger to the safety and soundness of the institution, wold be replaced by considering whether that presence would pose a threat to depositors; and (3) deletion of a present reference to erosion of confidence in the savings and loan system generally, rather than confidence in a particular company, as a result of the party retaining his/her position in the company.

In conformance with Title I, the period for decision by the Board would be changed to a flat 60-day period rather than the present 30 day period which may be extended to 60 days.

Because the proposed amendments are required implementation of Title I and concern procedural changes needed to promptly and properly process current matters before the Bank Board, the Bank Board has determined that it is sufficient to the public interest to allow a 30 day comment period.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 509, add new Part 509a, and delete Parts 550 and 566, as set forth below.

PART 509—RULES OF PRACTICE AND PROCEDURE: ADJUDICATIONS UNDER ADMINISTRATIVE PROCEDURE ACT

1. Amend § 509.1 by deleting the word "and" after paragraph (d), substituting a semi-colon for the period at the end of paragraph (e), and adding new paragraphs (f) and (g), to read as follows:

§ 509.1 Scope of regulations.

This part prescribes rules of practice and procedure applicable to adjudicative proceedings as to which hearings are provided by the following statutory provisisons:

* * * * *

(f) Hearings under paragraph (d)(3)(C) of section 407 of the National Housing Act, as amended (12 U.S.C. 1730(k)(3)(C)), paragraph (j)(4)(C) of section 408 of the National Housing Act, as amended (12 U.S.C. 1730a(j)(4)(C)), and paragraph (d)(8)(B)(iii) of section 5 of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)(8)(B)(iii)), to determine whether and/or to what extend civil penalties should be assessed against institutions, affiliate service corporations, savings and loan holding companies, subsidiaries thereof and/or related officials in violation of any order issued under the Board's cease-and-desist authority or any provision of Section 408 of the National Housing Act of 1933, as amended (12 U.S.C. 1730(a) et seq.) or any regulation (See Parts 583 and 584 of these regulations) or order issued pursuant thereto; and

(g) Hearings under paragraph (h)(5)(A) of section 408 of the National Housing Act, as amended (12 U.S.C. § 1730(h)(5)(A)), to determine whether to terminate certain activities by savings and loan holding companies or to terminate ownership or control of a noninsured savings and loan holding company subsidiary.

§ 509.2 [Amended]

2. Amend paragraph (c) of § 509.2 by deleting the words "a hearing examiner" and substituting therefor the words "an administrative law judge".

§ 509.3 [Amended]

3. Amend paragraph (a) of § 509.3 by deleting the second sentence, and revising the third sentence to read as follows: "Attorneys representing parties, witnesses or others in any proceeding provided for in this Part shall file a written notice of appearance with the Secretary, or with the presiding officer."

§ 509.4 [Amended]

4. Amend § 509.4 by adding the following sentence to the text thereof: "The matters of the fact and law alleged in a notice may be amended by the Board at any stage of the proceedings, and such amended notice may require an answer from the party or parties served and may set a new hearing date."

5. Amend § 509.6 by deleting the third sentence in paragraph (d) thereof, and revising the first and second sentences in paragraph (e) thereof, to read as follows:

§ 509.6 Conduct of hearings.

* * * * *

(e) *Continuances and changes or extensions of time and changes of place of hearing.* Prior to the appointment of a presiding officer and after the filing of a recommended decision pursuant to § 509.11, the Board, except as otherwise expressly provided by law, may by the notice of hearing or subsequent order provide time limits different from those specified in this part, and the Board, may, on its own initiative on for good cause shown, change or extend any time limit prescribed by these rules or the notice of hearing, or change the time and place for beginning any hearing hereunder. The preceding officer may, as permitted by law, change the time for beginning any hearing, continue or adjourn a hearing from time to time and change the location of the hearing * * *

6. Amend § 509.8 by amending the first two sentences of paragraph (a) and the first sentence of paragraph (b) thereof, to read as follows:

§ 509.8 Depositions.

(a) *Upon order of the presiding officer.* In connection with any hearing provided for in Parts 509a or 565, or § 583.26 of this Chapter, the presiding officer, by subpena or subpena duces tecum, may order evidence to be taken by oral deposition at any stage of any proceeding. Such deposition may be taken before the presiding officer or before any person designated by the presiding officer * * *

(b) *Application and order to take oral deposition.* Any party desiring to take the oral deposition of a witness, in connection with any hearing provided for in Parts 509a or 565, or in § 583.26 of this Chapter, shall make application in writing to the presiding officer, setting forth the reasons * * *

7. Amend the first sentence of § 509.11(a) to read as follows:

§ 509.11 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions by parties.* Each party shall have a period of 15 days after the close of the hearing or such further time as the presiding officer for good cause shall allow to file with the presiding officer proposed findings and conclusions, which may be accompanied by a brief in support thereof * * *

* * * * *

8. Add a new Part 509a, to read as follows:

PART 509a—REMOVALS, SUSPENSIONS, AND PROHIBITIONS WHERE A CRIME IS CHARGED OR PROVEN

Sec.

509a.1 Scope.
509a.2 Notice and opportunity for informal hearing.
509a.3 Informal hearing
509a.4 Waiver of hearing.
509a.5 Default of party.
509a.6 Relevant considerations.
509a.7 Decision of Board.

Authority: Pub. L. 95-630; sec. 17, 47 Stat. 736, as amended; sec. 5, 48 Stat. 132, as amended; secs. 402, 403, 407, 408, 48 Stat.

1256, 1257, 1260, and 1261, as amended; 12 U.S.C. 1437, 1464, 1725, 1726, 1730, 1731. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.

§ 509a.1 Scope.

The rules in this part apply to informal hearings afforded to any officer, director or other person participating in the conduct of the affairs of an insured institution, affiliate service corporation, savings and loan holding company or any subsidiary of a savings and loan holding company, and who has been suspended or removed from office or prohibited from further participating in the affairs of the institution, corporation, or subsidiary by a notice or order served by the Board upon grounds set forth in section 407(g) of the National Housing Act (12 U.S.C. 1730(g)) or seciton 5(d)(4) of the Home Owner's Loan Act (12 U.S.C. 1464(d)(4)).

§ 509a.2 Notice and opportunity for informal hearing.

(a) The Board may serve a notice of suspension, order of removal and/or order of prohibition upon a director, officer or other person participating in the conduct of the affairs of an insured institution, affiliate service corporation, savings and loan holding company or any subsidiary of a savings and loan holding company. A copy of such notice and/or order shall be served upon the institution, corporation or subsidiary. Upon receipt of the notice, the concerned party shall immediately cease service to the company or participation in its affairs. Any notice or order shall indicate the basis for suspension, removal or prohibition and shall inform the individual of the right to request in writing, within 30 days of being served with such notice or order, an opportunity to show at an informal hearing that continued service to or participation in the conduct of the affairs of the institution, corporation or subsidiary, does not, or is not likely to, pose a threat to the interests of the company's depositors or threaten to impair public confidence in the company.

(b) A request for a hearing shall state with particularity the relief desired and the grounds therefor, and shall include supporting evidence, when available. Two copies of such request and supporting evidence shall be filed with the Secretary to the Federal Home Loan Bank Board.

§ 509a.3 Informal hearing.

(a) Upon receipt of a request for hearing, the Board shall notify the parties of the time and place fixed for hearing and shall designate one or more agency employees to preside.

(b) The hearing shall be scheduled to be held no later than 30 days from the date when a request for hearing is received unless the time is extended at the request of a party afforded a hearing.

(c) A party may appear personally or through counsel to submit relevant written materials and oral argument thereon.

(d) Members of the staff of the Federal Home Loan Bank Board's Office of the General Counsel also may attend the hearing and participate therein as a party. Formal rules of evidence shall not apply to the hearing, nor shall the adjudicative provisions of the Administrative Procedure Act (5 U.S.C. 556) apply. The proceedings shall be recorded and a transcript furnished to a party upon request and after payment of the cost thereof. Witnesses may be presented, within specified time limits, if a list of such witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall not be sworn, unless specifically requested by either party or the presiding officer. The presiding officer may ask questions of any witness and each party shall have an opportunity to cross-examine any witness presented by an opposing party. Upon the request of either the concerned party of a representative of the Office of the General Counsel, the record shall remain open for a period of five (5) business days following the hearing, during which time the parties may make any additional submissions to the record. Thereafter, the record shall be closed.

§ 509a.4 Waiver of hearing.

The concerned party may, in writing, waive an oral hearing and instead elect to have the matter determined by the Board on the basis of written submissions.

§ 509a.5 Default of party.

If the concerned party fails to request a hearing, or fails to appear at a hearing, either in person or by attorney, or fails to submit a written argument where a hearing has been waived pursuant to § 509a.4, the suspension, removal or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until such removal, suspension, or prohibition is terminated by the Board.

§ 509a.6 Relevant considerations.

(a) In determining whether removal, suspension, or prohibition should be imposed or retained under this section, the Board will consider the following:

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

(2) Whether continued presence of the concerned party in his position may pose a threat to the interests of the institution's depositors because of: (i) The nature and extent of the party's participation in the affairs of the insured institution, or, (ii) the nature and the offense with which the party has been charged; and

(3) Whether there is cause to believe that the continued presence of the concerned party may threaten to impair public confidence in the integrity, safety, or soundness of the institution, corporation or subsidiary, if the party is permitted to retain such position.

(b) The Board may also consider any other factors which, in a specific case, appear relevant to continuation of a suspension or prohibition order, such as whether the individual is covered by the company's fidelity bond and, if so, whether the bonding company is likely to revoke the bond or coverage under the bond will be affected as a result of the charge.

§ 509a.7 Decision of Board.

(a) Within 60 days following the hearing or submission of written argument in lieu of a hearing, the Board shall notify the parties whether the suspension, removal and/or prohibition will be continued, terminated, or otherwise modified. Such notification shall contain a statement of the basis for the decision, if adverse to the concerned party. A removal or prohibition order remains in effect until terminated by the Board. A suspension and/or prohibition remains in effect until the criminal charge is finally disposed of or until terminated by the Board.

(b) The Board is deciding upon any suspension will not consider the ultimate question of the guilt or innocence of the individual with respect to the criminal charge which is outstanding. A finding of not guilty or other disposition of the charge shall not preclude the Board from thereafter instituting removal proceedings pursuant to section 5(d)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(4)).

PART 550—CEASE-AND-DESIST AND SUSPENSION AND REMOVAL ORDERS [RESCINDED]

9. Rescind Part 550 of the Rules and Regulations of the Federal Savings and Loan System.

PART 566—CEASE-AND-DESIST AND SUSPENSION AND REMOVAL ORDERS [RESCINDED]

10. Rescind Part 566 of the Rules and Regulations for Insurance of Accounts.

(Pub. L. 95-630; Sec. 17, 47 Stat. 736, as amended; sec. 5, 48 Stat. 132, as amended; secs. 402, 403, 407, 408, 48 Stat. 1256, 1257, 1260, and 1261, as amended; (12 U.S.C. 1437, 1464, 1725, 1726, 1730, 1731). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

J.J. Finn,

Secretary.

[FR Doc. 79-23089 Filed 7-31-79; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

Semiannual Agenda of Reports and Regulations

AGENCY: Federal Trade Commission.

ACTION: Notice of Semiannual Agenda.

SUMMARY: The following agenda of reports and regulations, prepared by the Office of Policy Planning of the FTC, is published voluntarily by the Federal Trade Commission in connection with Executive Order 12044, issued by the President on March 24, 1978. The agenda has been divided into four categories: (A) The general subject matter of reports expected to be made public within the next six months, (B) The general subject matter of internal rules of operating procedures upon which the Commission is expected to take action within the next six months, (C) A list of investigations that have recently resulted or are expected to result within the next six months in recommendations to the Commission for proposed rules or reports, and (D) A list of rules already proposed by the Commission with target dates for completion of significant steps in their development. Each item on the list includes the name and telephone number of a person to contact for further information.

It should be noted that these lists are based on projections at the time of this publication of the subject matter and timing of future Commission action. Discovery of new information, changes in circumstances or personnel, and changes in the law may alter the projected dates of matters listed in this document. All matters are subject to review and approval by the Commission.

FOR FURTHER INFORMATION CONTACT: For further information about any specific item in the agenda, call or write the "contact person" indicated.

A. Reports Expected To Be Made Public

1. The Development and Structure of the U.S. Electric Lamp Industry

This report is an industry study of electric lamp manufacturing. It discusses the technology of lamp production, and investigates market structure, business conduct, economic performance, and their interrelationships in the industry.

Contact: Rober P. Rogers, (202) 632-4916, Bureau of Economics

2. Brand Performance in the Cigarette Industry and the Advantage of Early Entry

This report examines the importance of rank and timing of "entry" on subsequent brand "success" in consumer product submarkets.

Contact: Ira T. Whitten, (202) 254-7775, Bureau of Economics

3. Grocery Retailing Concentration in Metropolitan Areas, Economic Census Years, 1954-1972

This is a statistical report describing changing patterns of seller concentration in food retailing within individual urban markets over the period 1954-1972.

Contact: Russell C. Parker, (202) 254-7686, Bureau of Economics

4. Consumer Reaction to Government Provision of Information: The Impact of Health Information on Nicotine and Tobacco Consumption

This report is an econometric study of the impact of health warning information on the cigarette smoking behavior of individuals.

Contact: R. Dennis Murphy, (202) 632-5100, Bureau of Economics

5. Analysis of the Ban on Intra-Major Ventures in OCS Petroleum Lease Sales

This study analyzes the impact of the Department of Interior ban on joint ventures on the outer continental shelf by the largest oil companies. It compares the number of bids, size of partners and concentration in bidding and in the winning bids before and after the joint venture took place. It also considers the probable effect of changing the definition of which firms are included in the joint venture ban.

Contact: Keith B. Anderson, (202) 254-7720, Bureau of Economics.

6. Competition in the Nuclear Fuel Industry

This study describes the competitive structure of the uranium supply industry. It will analyze the economics of uranium supply, including concentration levels and conditions of entry. It will also discuss the impact of interfuel competition on uranium supply.

Contact: Keith B. Anderson, (202) 254-7720, Bureau of Economics

7. Professional Advertising: An Empirical Study of the Relationship Between Advertising and the Price and Quality of Optometric Services

This study empirically investigates the question of whether the price and quality of professional services are associated with advertising and commercial practice. It focuses on optometry, a licensed profession for which considerable variation among the states concerning restrictions on advertising and professional practice has existed for some time.

Contact: Ronald S. Bond, (202) 254-7690, Bureau of Economics

8. The Effects of Restrictions on U.S. Imports: Five Case Studies and Theory

The study develops a methodology to estimate the costs and benefits of restrictions on U.S. imports. That methodology is employed to theoretically rank the welfare costs of different restrictions (tariffs, quotas, orderly marketing agreements, tariff-quotas, and proportionally distributed quotas) on U.S. imports.

Five products were selected for detailed examination: citizen's band radios, color televisions, sugar, nonrubber footwear and textiles. The costs and benefits of the recently applied trade restrictions on each of these products were estimated. The costs of a trade restriction were measured by the inefficiency ("deadweight") losses and by costs to consumers; the benefits were the reduced adjustment costs of otherwise displaced employees. With the exception of color televisions, the costs significantly outweighed the benefits. In the color television case, the orderly marketing agreement was sufficiently circumvented so that it was not restrictive; thus there were virtually no costs or benefits.

Contact: David G. Tarr, (202) 254-7690, Bureau of Economics

9. Competition in the Petroleum Industry

This study examines the effect of Federal regulation of petroleum product

prices and Federal regulation of product allocation on the structure and performance of the domestic petroleum industry.

Contact: Keith B. Anderson, (202) 254–7720, Bureau of Economics

10. Bank Influence Over Behavior of non-Financial Corporations

This is an empirical study of bank control (equity control and creditor influence) over non-financial corporations, and its impact on their rates of merger activity.

Contact: Donald T. Sant, (202) 254–7690, Bureau of Economics

11. Cost Control by Health Insurers

This study examines the efficiency of a proposed antitrust exemption which would allow commercial health insurers to engage in joint efforts to effect cost control in the health industry. The study also evaluates alternative ways in which rising health care costs can be controlled.

The methodology of the study consists of multiple regression analysis of the Blue Cross plans as well as in-depth analysis of the cost control efforts of both a large and a small third party payer.

Contact: Bob Brogan, (202) 254–7680, Bureau of Economics

12. The Effect of Medical Control of Blue Shield Plans

This study will provide an estimate of the effect that physician control of Blue Shield has on procedure prices and other aspects of Blue Shield performance such as plan efficiency. Several definitions of "medical control" are being tested separately to permit a determination of which types and degrees of control have the greatest effects on prices and costs. The objective of this study is to estimate the benefits that can be expected to accrue if various specified gradations of medical control were to be eliminated.

Contract: Michael Klass, (202) 254–7770, Bureau of Economics

13. Unavailability of Advertised Specials (16 CFR 424)

A report examining the impact of the Commission's trade regulation rule governing retail food store advertising and market practices.

Contact: Ken Bernhardt, (202) 724–1878, Bureau of Consumer Protection

14. Warranties (15 U.S.C. § 2301)

A report gathering base line data with which to examine the impact of regulations issued under the Magnuson-Moss Warranty Act.

Contact: Ken Bernhardt, (202) 724–1878, Bureau of Consumer Protection

15. *Cigarettes*

Report on the results of testing cigarettes for tar, and nicotine levels. Report may also include carbon monoxide levels for the cigarettes tested.

Contact: Jane Dolkart, (202) 724–1490, Bureau of Consumer Protection

16. Affirmative Disclosures

A report assessing the effectiveness of recent (since 1970) affirmative disclosure remedies.

Contact: Kenneth Bernhardt, (202) 724–1878

17. Appliance Energy Labeling

A study to gather data on consumer purchasing patterns for appliances and on promotional practices of appliance marketers.

Contact: Andrew I. Wolf, (202) 724–1878, Bureau of Consumer Protection

18. STP Corrective Ad

A study assessing the effectiveness of a public notice remedy.

Contact: Lawrence Hodapp, (202) 523–3950, Bureau of Consumer Protection

19. Children's Advertising Endorsements

A report examining the effects of celebrity endorsements in toy advertisements on children's perceptions and product preferences.

Contact: Louise Jung, (202) 724–1481, Bureau of Consumer Protection

20. Eyeglasses Duplicating Study

A study assessing the ability of opticians to duplicate lenses without a prescription.

Contact: Gary Hailey, (202) 523–3426, Bureau of Consumer Protection

21. Third Annual Report to Congress Pursuant to Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976

A report describing and assessing operation of the premerger notification program implemented pursuant to § 7A of the Clayton Act, 15 U.S.C. § 18a.

Contact: Malcolm R. Pfunder, (202) 523–3622, Bureau of Competition

B. Internal Rules or Procedures Upon Which the Commission Is Expected To Take Action

1. Penalties for Violation of Appliance Labeling Requirements

The Commission is expected to consider procedures for the assessment of civil penalties for violations of the provisions of the Energy Policy and Conservation Act pertaining to labeling and advertising of consumer appliances and any rules promulgated by the Commission thereunder.

Contact: Jonathan W. Cuneo or Toby G. Singer, (202) 523–3970 or (202) 523–3785, Office of General Counsel

2. Standards of Conduct for Attorneys Practicing Before the Commission

The Commission is expected to publish for comment a proposed amendment to its rules that will clarify the standards of ethical conduct expected of lawyers who practice before the Commission and will set out in more detail the procedure to be followed when there is an allegation that a lawyer has not conformed to those standards.

Contact: Oliver J. Trytell, (202) 523–3479, Office of General Counsel

3. Procedures for Requesting Confidential Treatment of Information Submitted to the Commission

The Commission is expected to publish final rules which will announce procedures for persons requested or required to submit information to the Commission to obtain confidential treatment of that information. This proposal has previously been published for comment. Final action has been delayed by the need to take account of the possible impact on the proposal of several recent court decisions.

Contact: Barry Rubin, (202) 523–3520, Office of General Counsel

4. Restrictions on Practice Before the Commission by Former Members and Employees

This rulemaking appeared in the previous agenda. It has been delayed pending Congressional action on amendments to the Ethics in Government Act and action by the D.C. Court of Appeals on proposed amendments to the Code of Professional Responsibility.

Contact: Jack Schwartz, (202) 523–3615, Office of General Counsel

5. Statements of Financial Interests

The Commission is expected to consider amendments to the Rules of

Practice, conforming with the Ethics in Government Act, dealing with disclosures of financial interests filed by Commission employees.

Contact: Sophie Krasik, (202) 523–3866, Office of General Counsel

C. Investigations Which Have Resulted or May Result in a Recommendation to the Commission for a Rule or Report

1. Written Warranties

An investigation into simplifying warranty advertising, making warranties readable, and improving warranty disclosures.

Contact: Rachel Miller, (202) 523–0425, Bureau of Consumer Protection

2. Eyeglasses II

An investigation of private and State restrictions on ownership of and operations of ophthalmic good dispensaries.

Contact: Christine Latsey, (202) 523–3432, Bureau of Consumer Protection

3. Dental Laboratories Investigation

An investigation of restrictions on the ability of denture laboratories to provide dental care directly to the public.

Contact: Ann Grover, (415) 556–1270, San Francisco Regional Office

4. Equal Credit Opportunity Act

Commission consideration of proposed guidelines on agency enforcement of the Equal Credit Opportunity Act concerning the practices of real estate brokers who arrange credit incident to the sale of property.

Contact: Scott Morris, (202) 724–1144, Bureau of Consumer Protection

5. Dentists and Dental Hygienists

An investigation of private and public restrictions on the delivery of dental services in the United States.

Contact: Harrison Shepard, (415) 556–1270, San Francisco Regional Office

6. Public Accounting Profession

An investigation of private and State restrictions on advertising, solicitation and delivery of services by accountants.

Contact: John M. Peterson, (312) 353–8522, Chicago Regional Office

7. Oil Company Ownership of Petroleum Pipelines

Investigation of competitive effect of oil company ownership and control of petroleum pipelines and advisability of promulgation of a Commission rule prohibiting or restricting such ownership or control.

Contact: Rhett R. Krulla, (202) 724–1428, Bureau of Competition

8. Blue Shield

Following an investigation of the extent, impact, and legality of medical participating in the control of Blue Shield and other medical prepayment plans, the staff in April, 1979, forwarded to the Commission a report concluding that there is reason to believe that some forms of such participation violate Section 5 of the FTC Act. The report recommended that the Commission institute rulemaking proceedings as a means of resolving these issues. The Commission has not yet acted on this recommendation, though the staff's report has been made public because of its relation to a separate adjudicative proceeding. Within the next six months, the Commission is expected to determine whether to institute rulemaking proceedings, in which case the Commission would authorize official publication of the staff report and issue a notice of proposed rulemaking.

Contact: Walter T. Winslow, (202) 724–1341, Bureau of Competition

D. Target Dates for the Development of Rules Already Proposed

1. Funeral Industry Practices (40 FR 39901; Aug. 29, 1975)

Promulgation of Trade Regulation Rule on Funeral Industry Practices, publication of Statement of Basis and Purpose, and publication of proposed Compliance Guidelines, on or before December 20, 1979.

Contact: Michael Rodemeyer, (202) 523–3652, Bureau of Consumer Protection

2. Credit Practices (40 FR 16347; April 11, 1974)

Publication of staff report on or before October 31, 1979. End of post-record comment period on or before December 31, 1979.

Contact: David H. Williams, (202) 724–1100, Bureau of Consumer Protection

3. Amendment to Preservation of Consumers' Claims and Defenses (40 FR 53530; Nov. 18, 1975)

Oral presentation before the Commission and Commission consideration of the amendment on or before October 31, 1979.

Contact: Sarah Jane Hughes, (202) 724–1567, Bureau of Consumer Protection

4. Amendment to Games of Chance in Retailing and Gasoline Industries (43 FR 48654; Oct. 19, 1978)

Publication of staff report on or before August 31, 1979. Publication of Presiding Officer's report on or before September 30, 1979. End of post-record comment period on or before October 31, 1979.

Contact: Noble F. Jones, (216) 552–4207, Cleveland Regional Office

5. Advertising and Labeling of Protein Supplements (40 FR 41144; Sept. 5, 1975; 41 FR 22593; June 4, 1976)

Publication of staff report on or before July 31, 1979. End of post-record comment period on or before September 30, 1979.

Contact: Karen Chandler, (414) 556–1270, San Francisco Regional Office

6. Used Motor Vehicle Sales (41 FR 1089; Jan. 6, 1976)

Oral presentation before the Commission during September, 1979, if determined necessary by the Commission. Commission consideration of the rule on or before October 15, 1979.

Contact: Bernard J. Phillips, (202) 523–1670, Bureau of Consumer Protection

7. Reasonable Duties Under A Full Warranty (42 FR 39223; Aug. 3, 1977)

Publication of staff report on or before September 30, 1979.

Contact: Jeffery M. Karp, (202) 523–1753, Bureau of Consumer Protection

8. Standards and Certification (43 FR 57269; Dec. 7, 1978)

Public hearings completed in San Francisco. Public hearings commencing on June 25, 1979 in Washington, D.C. and ending in September. Written rebuttal comments accepted after the close of public hearings.

Contact: Robert J. Schroeder, (202) 523–3936, Bureau of Consumer Protection

9. Mobile Home Sales and Service (40 FR 28334; May 29, 1975)

Publication of Presiding Officer's Report on or before September 15, 1979.

Contact: Arthur B. Levin, (202) 523–3827, Bureau of Consumer Protection

10. Disclosure Requirements and Prohibitions Concerning Franchise and Business Opportunity Ventures (16 CFR 436)

Final rule to become effective on October 21, 1979, and final compliance guidelines to be published on or before that date.

Contact: John Tifford, (202) 523–1753, Bureau of Consumer Protection

11. Children's Television Advertising (43 FR 17967; Apr. 27, 1978)

Designation of disputed issues by the Commission within 90 days after it has the participation of no fewer than 3 Commissioners.

Contact: Susan Elliott, (202) 724–1456, Bureau of Consumer Protection

12. Labeling and Advertising of Residential Thermal Insulation Materials (42 FR 29678; Nov. 18, 1977)

Promulgation and publication of Statement of Basis and Purpose on or before August 31, 1979.

Contact: Paul J. Petruccelli, (202) 724–1508, Bureau of Consumer Protection

13. Appliance Labeling (43 FR 21806; July 21, 1978)

Promulgation and publication of Statement of Basis and Purpose on or before October 30, 1979.

Contact: Andrew Wolf, (202) 724–1453, Bureau of Consumer Protection

14. Amendments to the Care Labeling of Textile Wearing Apparel (41 FR 3747; Jan. 26, 1976)

Oral presentation before the Commission on July 18, 1979. Commission consideration of the rule on or before August 1, 1979.

Contact: Earl Johnson, (202) 724–1362, Bureau of Consumer Protection

15. Disclosure Requirements and Prohibitions Concerning the Flammability of Plastics (39 FR 28292; Aug. 6, 1974)

Commission consideration of whether to terminate this proceeding on or before November 15, 1979.

Contact: Kent C. Howerton, (202) 724–1516, Bureau of Consumer Protection

16. Food Advertising (Phase I) (39 FR 39842; Nov. 11, 1974; 41 FR 8980; Mar. 19, 1976)

Oral presentation before the Commission during October, 1979, if determined necessary by the Commission. Commission consideration of the rule on or before October 31, 1979.

Contact: Judith A. Neibrief, (202) 724–1496, Bureau of Consumer Protection

17. Food Advertising Options (39 FR 39842; Nov. 11, 1974; 41 FR 8980; Mar. 19, 1976)

Commission consideration of staff recommendation on options in food advertising.

Contact: Judith A. Neibrief, (202) 724–1496, Bureau of Consumer Protection

18. Over-the-Counter Drugs (41 FR 39768; Sept. 16, 1976)

End of post record comment period on or before July 31, 1979.

Contact: Joel Brewer, (202) 724–1530, Bureau of Consumer Protection

19. Advertising for Over-the-Counter Antacids (41 FR 14534; Apr. 16, 1976)

Publication of Presiding Officer's Report on or before November 1, 1979.

Contact: Joel Brewer, (202) 724–1530, Bureau of Consumer Protection

20. Hearing Aid Industry (40 FR 26646; Jan. 24, 1975)

Oral presentation before the Commission during September, 1979, if determined necessary by the Commission. Commisssion consideration of the rule on or before October 15, 1979.

Contact: Robert Patterson, (202) 724–1497, Bureau of Consumer Protection

By the Commission, dated July 1979.

Carol M. Thomas,

Secretary.

[FR Doc. 79-23696 Filed 7-31-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 13]

[Docket No. 9089]

Atlantic Richfield Co.; Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a Los Angeles, Calif. integrated energy company, engaged in various other activities, including those related to copper, to timely divest its interest in the Heddleston copper and molybednum mineral property located in Lewis and Clark County, Montana; its Ann Mason copper mineral property and Bear copper mineral property, located in Lyon County, Nevada; its entire voting stock interest in the Inspiration Consolidated Copper Company; and its joint venture interest in the Anamax Mining Company, a Pima County, Arizona integrated copper company. Each of the divestitures would have to be an "Eligible Person," and upon company's failure to divest these interests within specified time periods, divestiture authority would be transferred to a trustee, who will be given three years to obtain fair value for the properties and assets. The order would also provide for arbitration should any dispute regarding the terms of the order arise between Atlantic Richfield and the Commission or trustee.

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

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

FOR FURTHER INFORMATION CONTACT: FTC/C, Alfred F. Dougherty, Jr., Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's rules of practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

Agreement Containing Consent Order

The Federal Trade Commission ("Commission") having issued an Amended Complaint concerning the acquisition by the Atlantic Richfield Company ("Atlantic Richfield") of The Anaconda Company ("Anaconda"), and it now appears that Atlantic Richfield is willing to enter into an Agreement containing the attached Consent Order ("Order"),

It is hereby agreed by and between Atlantic Richfield by its duly authorized officers and its attorneys and counsel for the Commission, in accordance with the Commission's Rule governing consent order procedures, that:

1. Atlantic Richfield is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Pennsylvania, with

an office and principal place of business located at 515 South Flower Street, Los Angeles, California 90071.

2. Atlantic Richfield has been served with a copy of the Amended Complaint issued by the Commission charging it with a violation of Section 7 of the Clayton Act, as amended (15 U.S.C. 18), and Section 5 of the Federal Trade Commission Act, as amended (15 U.S.C. 45), and has filed an Answer to said Amended Complaint denying such charges.

3. Atlantic Richfield admits all the jurisdictional facts set forth in the Amended Complaint.

4. Atlantic Richfield waives:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Agreement.

5. This Agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the Order is inappropriate, improper, or inadequate, in which event it may take such action as it may consider appropriate.

6. This Agreement is for settlement purposes only, entered into without trial or adjudication of any issue of fact or law herein, and without the taking of any evidence or testimony, and does not constitute any evidence or any admission by Atlantic Richfield that the law has been violated as alleged in the Amended Complaint issued by the Commission.

7. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's rules, the Commission may, without further notice to Atlantic Richfield, (i) issue its decision containing the following Order in disposition of the proceeding, and (ii) make information public in respect thereto. When so entered the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to Order to Atlantic Richfield's address, as stated in this Agreement, shall constitute service. Atlantic Richfield waives any rights it may have to any other manner of service. The Amended Complaint may be used in construing the terms of this Order and no agreement, understanding, representation, or interpretation not contained in the Order or the Agreement may be used to vary or contradict the terms of the Order. Should the proposed Order not become final on or before September 30, 1979, Atlantic Richfield may, on the giving of thirty (30) days written notice to the Commission, withdraw its consent to such Order and its acceptance of this Agreement. It is expressly agreed that should the Commission reject, alter, modify or otherwise change any portion of the proposed Order, or should Atlantic Richfield withdraw its consent and acceptance in accordance with the preceding sentence, Atlantic Richfield shall be relieved of all undertakings, commitments and other provisions contained in this Agreement and proposed Order and may litigate fully and without limitation or prejudice all claims alleged in the Amended Complaint and/or otherwise incidental to this proceeding as provided by law as if this Agreement had never existed.

8. Atlantic Richfield has read the Order contemplated hereby. It understands that once the Order has been issued, it will be required to file one or more compliance reports setting forth the manner and form in which it intends to comply, is complying or has complied with the Order. Atlantic Richfield further understands that it may be liable for civil penalties in the amounts provided by law for each violation of the Order after it becomes final.

Order

For purposes of this Order, the following definitions shall apply:

(a) "Respondent" means Atlantic Richfield Company, a corporation, and its subsidiaries, successors and assigns.

(b) The term "Subsidiary" with respect to any Person named herein means any corporation in which such named Person owns fifty percent (50%) or more of the outstanding securities having ordinary voting power to elect a majority of the Board of Directors of such corporation (whether or not any other class of security has or might have voting powers by reason of the happening of a contingency).

(c) "Person" means any individual, corporation (including subsidiaries thereof), partnership, joint venture, trust, unincorporated association or organization, or government or agency or political subdivision thereof, or other business or legal entity, other than Respondent.

(d) "Copper Company" means any Person having Operating Copper Properties within the Restricted Area whose combined average annual copper mine production for the five years immediately preceding an acquisition or Joint Venture which may be subject to the provisions of Paragraphs VIII, IX or X of this Order exceeded 10,000 short tons of recovered copper, excepting any such Person which has ceased production of copper from all of its Operating Copper Properties within the Restricted Area for more than two years prior to an acquisition or Joint Venture which may be subject to the provisions of Paragraphs VIII, IX or X of this Order.

(e) "The Copper Market" shall consist of all primary production from mines in the United States, as reported by the American Bureau of Metal Statistics for the most recent calendar year for which statistics have been published prior to the date of an acquisition or Joint Venture which may be subject to the provisions of Paragraphs VIII, IX or X of this Order.

(f) "Operating Copper Property" means any deposit which at the time of an acquisition or Joint Venture which may be subject to the provisions of Paragraphs VIII, IX or X of this Order is being mined and (i) which is being operated primarily for the purpose of recovering copper contained in the ore being mined, (ii) for which the dollar value of copper recovered exceeds the dollar value of each other mineral recovered except as provided in Paragraph IX, or (iii) which is producing, as a by-product or co-product of other mine production, copper at an average annual rate of 20,000 short tons or more of recovered copper after adjustment in each year for production lost as a result of strikes or other labor interruptions. Operating Copper Properties shall also include:

(1) Any deposit, which would otherwise be an Operating Copper Property, except that its operation has been suspended or discontinued for less than two years prior to an acquisition or Joint Venture which may be subject to the provisions of Paragraphs VIII, IX or X of this Order or whose operations were suspended as a consequence of or in connection with the contemplated

acquisition of such deposit by Respondent.

(2) Any Non-Operating Copper Property which at the time of an acquisition or Joint Venture which may be subject to the provisions of Paragraphs VIII, IX or X of this Order is under active mine development and is scheduled by its owner or owners to enter into production within five years.

(g) "Non-Operating Copper Property" means any deposit for which its owner or owners contemplate at the time of an acquisition or Joint Venture which may be subject to the provisions of Paragraphs VIII, IX or X of this Order (i) that any operation would be primarily for the recovery of copper, (ii) that the dollar value of copper recovered would exceed the dollar value of each other mineral to be recovered except as provided in Paragraph IX, or (iii) that any operation would produce, as a by-product or co-product of its mine production, copper at an average annual rate of 20,000 short tons or more of recovered copper.

(h) "Eligible Person" means all Persons other than those specifically classified as Ineligible Persons in definition "i".

(i) "Ineligible Person" means the following corporations and their respective subsidiaries: Kennecott Copper Corp., Phelps-Dodge Corporation, ASARCO Inc., Newmont Mining Corp., AMAX, Inc. ("Amax"), Pennzoil Company, Cyprus Mines Corp., Cities Service Company, Noranda Mines Ltd., INCO Ltd., the Anglo American Group and any other Person having more than five perent (5%) of the Copper Market for the calendar year immediately preceding (i) an attempt by such Person to acquire a property or interest to be divested under the provisions of Paragraphs I through V of this Order, or (ii) an attempt by such Person to enter into a Joint Venture with Respondent which may be subject to the provisions of Paragraphs IX and X of this Order. The "Anglo American Group" means the Anglo-American Corporation of South Africa, Limited, Charter Consolidated Ltd., De Beers Consolidated Mines Ltd., Hudson Bay Mining and Smelting Co., Limited, Minerals and Resources Corporation Ltd., Anglo-American Corporation of Canada Limited, and Inspiration Consolidated Copper Company and their respective subsidiaries.

(j) "Divest" means any act by which Respondent sells, transfers, conveys or relinquishes ownership, possessory interest and control in a property subject to this Order.

(k) "Fair Value" means such considerations, taking into account all terms and conditions of transfer and payment therefor, that would be exchanged between a willing buyer and a willing seller for the transfer of a property, where neither buyer nor seller was under any constraints or impediments, including any obligation on the part of the seller to transfer the property within a specified period, whether or not that fact were known to the buyer.

(l) "Joint Venture" means a joint business undertaking by two or more Persons, for the purpose of carrying out a particular objective or objectives, pursuant to an agreement which provides for (i) joint contributions to capital, which may include tangible and intangible assets, (ii) sharing of profits or production in kind, and (iii) a mutual right to control, provided, however, that this definition shall not include any venture in which respondent presently participates, and provided further, that a holder of a right to a Deferred Compensation Interest shall not for that reason be a participant in a Joint Venture.

(m) "Restricted Area" means the United States, including Puerto Rico.

(n) "Deferred Compensation Interest" means any promise of deferred payment, including any royalty, carried interest, production payment or other interest that is not coupled with a right to participate in the operation or management of a property, except to the extent necessary to protect the holder's Deferred Compensation Interest upon default or where actions by the purchaser or operator threatened destruction of, or substantial harm to, the holder's Interest. Payment to the holder of a Deferred Compensation Interest may include cash or production in kind. Payment to Respondent with respect to a Referred Compensation Interest shall not exceed either (i) ten percent (10%) of production in kind, (ii) ten percent (10%) of gross proceeds, (iii) ten percent (10%) of net profits, or (iv) ten percent (10%) of net smelter returns resulting from the operation of a property subject to such Interest.

(o) "Major Change of Condition" means an involuntary reduction in Respondent's domestic production of copper whereby its total domestic copper mine production in any calendar year fails to exceed 110,000 short tons or recovered copper and it appears that such reduced level of production (absent any act permitted by Paragraph XI) is unlikely to be materially increased above 110,000 short tons of recovered copper, annual production, for a two-year period following such year of initial reduction. Such involuntary reduction means:

(i) Acts of God including fire, flood and earthquakes, unexpected variations or changes in the technical characteristics of ore deposits, rebellion, riot, civil unrest or war, whether declared or not;

(ii) changes in operating, raw materials, transportation or other costs beyond the direct control of Respondent; or

(iii) The action or inaction of any federal, state or local government entity, including without limitation actions promulgating, modifying or refusing to modify environmental, health, safety or other regulations.

as a result of which, continued operations at previous levels at any copper property or facility, including any concentrator, smelter or refinery of Respondent, would result in net operating losses as measured by the difference between actual or expected operating revenues and actual or expected cash costs of production, along with any actual or expected capital charges directly related to the involuntary reduction, for the affected properties and facilities. Further, Respondent's copper mine production in any year shall be adjusted by the amount of production lost through any strike or other labor interruption (whether legal or illegal, authorized or unauthorized), as measured by the actual production in the previous year for the period corresponding to the period of strike or labor interruption (unless a strike or labor interruption was in effect during such prior period, in which case the measurement shall be based on the next closest year during which there was no strike or labor interruption during the corresponding period): *Provided,* That if an involuntary reduction, as defined herein, occures prior to a strike or labor interruption, the production lost as a result of strike or labor interruption shall be measured by the prior year's production adjusted downward by the effect of the involuntary reduction.

(p) "Catastrophic Change of Condition" means a Major Change of Condition whereby Respondent's total domestic copper mine production in any calendar year fails to exceed 80,000 short tons of recovered copper.

(q) "Limitation Period" means the period commencing at the Effective Date of this Order and terminating on the fifth anniversary of such date: *Provided, however,* That: (i) Should Respondent fail to divest four of the five properties

subject to Paragraphs I through V within two calendar years of the Effective Date of this Order, the Limitation Period shall be extended day for day by the time in excess of two calendar years from such Effectice Date taken by Respondent to divest the fourth property which is ultimately divested, and (ii) the Limitation Period shall be extended day for day by the time in excess of four calendar years from such Effective Date taken by Respondent to divest the fifth property which is ultimately divested (with any additional time resulting from the operation of clauses (i) and (ii) to be calculated concurrently rather than consecutively); *And, provided further,* That in no event shall the Limitation Period extend beyond the tenth anniversary of the Effective Date of this Order.

(r) "Anamax" means Anamax Mining Company, a partnership organized under the laws of the State of Arizona between the Anaconda Company and Amax Arizona, Inc., a subsidary of Amax.

(s) "Effective Date" means the day on which this Order becomes final by service upon Respondent by the Commission.

I

It is ordered, That within three years of the Effective Date of this Order, Respondent shall divest its entire interest in the Heddleston property which shall include all fee lands, patented mining claims, unpatented mining claims, leases, and other interests, including water rights appurtenant thereto, located in the following legal subdivisions situated in Lewis and Clark County, State of Montana, to wit:

Township 14 North, Range 6 West, Montana Principal Meridian
Sections 16 to 22, inclusive; 27 to 29, inclusive; and 31 to 34, inclusive.
Township 15 North, Range 7 West, Montana Principal Meridian
Sections 20 to 22, inclusive; 27 and 28,

to an Eligible Person: *Provided, however,* That Respondent may continue to hold a Deferred Compensation Interest. Should Respondent, after diligent efforts, fail to divest the Heddleston property at Fair Value within the specified three-year period, it shall transfer authority to divest the property to a Trustee as provided in Paragraph XII.

II

It is further ordered, That within four years of the Effective Date of this Order, Respondent shall divest its entire interest in the Ann Mason property which shall include all fee lands, patented mining claims, unpatented mining claims, leases and other interests, including water rights appurtenant thereto, located in the following legal subdivisions situated in Lyon County, State of Nevada, to wit:

Township 13 North, Range 24 East, Mount Diablo Base and Meridian
Section 10: SE¼
Section 11: S½
Section 12: SW¼
Section 13: W½
Section 14: All
Section 15: E½
Section 22: NE¼
Section 23: N½
Section 24: NW¼

to an Eligible Person: *Provided, however,* That Respondent may continue to hold a Deferred Compensation Interest. For purposes of this Paragraph II, Amax and its subsidiaries shall be considered Eligible Persons if, with respect to the divestiture of the Respondent's interest in Amax provided in Paragraph V, Respondent shall have obtained from Amax or its subsidiaries and/or Anamax substantially the entire Helvetia Property, as described in Paragraph V(2), subject to the retention by Anamax or Amax or its subsidiaries of a Deferred Compensation Interest in a magnitude not to exceed that set forth in the last sentence of definition "n." Should Respondent, after diligent efforts, fail to divest the Ann Mason property at a Fair Value within such four year period, it shall transfer authority to divest the property to a Trustee as provided in Paragraph XII.

III

It is further ordered, That within four years of the Effective Date of this Order, Respondent shall divest its entire interest in the Bear property which shall include all fee lands, patented mining claims, unpatented mining claims, leases and other interests, including water rights appurtenant thereto, located in the following legal subdivisions situated in Lyon County, State of Nevada, to wit:

Township 14, North, Range 25 East, Mount Diablo B.M.
Section 33: E½ SW¼, W½ SE¼, S½ NE¼ SE¼
Township 13 North, Range 25 East, Mount Diablo B.M.
Section 3: SW¼ NW¼, N½ NW¼ SW¼
Section 4: NE¼, E½ E½ NW¼, N½ N½, SE¼

to an Eligible Person: *Provided, however,* That Respondent may continue to hold a Deferred Compensation Interest. For purposes of this Paragraph III, Amax and its subsidiaries shall be considered Eligible Persons if, with respect to the divestiture of the Respondent's interest in Anamax provided in Paragraph V, Respondent shall have obtained from Amax or its subsidiaries and/or Anamax substantially the entire Helvetia Property, as described in Paragraph V(2), subject to the retention by Anamax or Amax or its subsidiaries of a Deferred Compensation Interest in a magnitude not to exceed that set forth in the last sentence of definition "n." Should Respondent, after diligent efforts, be unable to divest the Bear property at Fair Value within such four year period, it shall transfer authority to divest the property to a Trustee as provided in Paragraph XII.

IV

It is further ordered, That within one year of the Effective Date of this Order, Respondent shall divest its entire voting stock interest (including any common or preferred stock which it may own at the time of disposition) in Inspiration Consolidated Copper Company, or any successor thereto, to an Eligible Person. For purposes of this Paragraph IV, the Anglo-American Group shall be considered to be an Eligible Person. Should Inspiration Consolidated Copper Company, or any successor thereto, fail or refuse to redeem for any reason, including lack of capital or earned surplus sufficient to permit lawful redemption, the common or preferred stock held by Respondent at the time such stock is tendered for redemption, Respondent shall have an additional two years to dispose of its interest. Should Respondent, after diligent efforts, fail to divest its interest in Inspiration Consolidated Copper Company or any successor thereto at Fair Value within the specified additional two year period, Respondent shall transfer authority to divest its interest to a Trustee as provided in Paragraph XII. Fair Value for purposes of this Paragraph IV shall be defined to be any consideration equal to or greater than $33 a share, or the equivalent thereto after adjustment for any stock dividends or stock splits which may occur after March 1, 1979.

V

It is further ordered, That within five years of the Effective Date of this Order, Respondent shall Divest its interest in Anamax to an Eligible Person. Anamax is engaged in the mining of copper in Pima County, Arizona, from the Twin Buttes Mine and the Palo Verde Mine, the latter mine operated by the Eisenhower Mining Company, a

partnership with Asarco, Inc. Anamax's current annual production capacity from the two mines is 120,000 tons of recovered copper, including 35,000 tons of electrowon refined copper, and Anamax intends to produce uranium from copper ores. For purposes of this Paragraph V Amax and its subsidiaries shall be considered to be Eligible Persons.

Provided, however, that notwithstanding the foregoing:

(1) It is intended that the divestiture of Respondent's interest in Anamax is to be accomplished in such a manner as to avoid a termination of the Anamax partnership for federal income tax purposes. It is recognized that under Section 708(b)(1)(B) of the Internal Revenue Code, and the pertinent Treasury Regulations, the partnership will be treated as having terminated for tax purposes in the event that there is a sale or exchange of 50% or more of partnership capital and profits within a twelve month period; such a tax termination would potentially generate severe adverse tax consequences. In order to avoid such a termination, Respondent shall not be required to divest its entire interest in Anamax on condition that:

(a) Respondent shall, in any event, divest at least so much of its interest in Anamax as to constitute a divestiture of a 45% interest in the capital of Anamax (as the term "capital" is used in Section 708 of the Internal Revenue Code of 1954 in its present form or as hereafter amended or in any corresponding provision of any subsequent federal tax law): *Provided,* That notwithstanding any other provision of this Order said divestiture shall include, for purposes of the 45% divestiture requirement, divestiture by way of a total or partial liquidation of Respondent's interest in Anamax as provided in subparagraph (2) or a total or partial reallocation of Respondent's interests within Anamax as provided in subparagraphs (3) and (4) and/or a sale, exchange, transfer or other disposition of such interests or any combination of the foregoing;

(b) In complying with its obligations under this subparagraph (1), Respondent shall first propose a divestiture which will reduce its interest in Anamax to an interest which shall not exceed an interest reasonably adequate to prevent a termination of the Anamax partnership for federal tax purposes, provided, for purposes of this subparagraph (1)(b), said divestiture shall include divestiture by way of a total or partial liquidation of Respondent's interest in Anamax as provided in subparagraph (2) or a total or partial reallocation of Respondent's interest within Anamax as provided in subparagraphs (3) and (4) and/or a sale, exchange, transfer or other disposition of such interests or any combination of the foregoing. Respondent may then seek a ruling from the Internal Revenue Service to the effect that the divestiture proposed under this subparagraph (1)(b) will not cause a termination of Anamax for purposes of such Section 708 in its present form or as hereafter amended or under any corresponding provision of any subsequent federal tax law. Should the Internal Revenue Service decline to issue such ruling or fail to issue such ruling within a period of seven months after the ruling is requested, Respondent shall effect a divestiture pursuant to subparagraph (1)(a).

(c) Thirty (30) days prior to filing any request for such ruling as is described under subparagraph (1)(b) above, Respondent shall provide a copy of such request to the Commission, and the Commission thereafter will have twenty (20) days in which to submit the question of Respondent's compliance with subparagraph (1)(b) above to arbitration pursuant to Paragraph XIX or pursuant to such other procedure as the Commission and Respondent may then agree to. Any arbitration held under this subparagraph (1)(c) shall be solely for the purpose of determining whether Respondent's proposed divestiture, as set forth in the request for ruling, constitutes a reasonable effort to comply with the provisions of subparagraph (1)(b). The arbitrator shall be required to render his decision within seventy-five (75) days of the date the Commission shall submit the proposed divestiture to arbitration; should the arbitrator decide in Respondent's favor or fail to issue a final decision within such seventy-five (75) day period, Respondent shall be entitled to go forward with the proposed divestiture, which shall be deemed to be in compliance with the provisions of subparagraph (1)(b);

(d) If the Commission believes that a ruling requested under subparagraph (1)(b) should be issued, Respondent will not object to the Commission's submission of such views to the Internal Revenue Service; and

(e) Respondent's remaining non-divested interest in Anamax, whether retained pursuant to subparagraph (1)(a) or (1)(b), but excluding any interest retained or received by Respondent as provided in subparagraphs (2), (3) and (4), shall be arranged so that Respondent will receive cash or other monetary consideration, rather than take copper in kind, in connection with Anamax's continued operations: *Provided,* That such arrangement shall not be required if Respondent (i) seeks the concurrence of Anamax and any partner or partners therein and fails to receive such concurrence within eight months after such concurrence is requested, or (ii) seeks a ruling from the Internal Revenue Service, and the Service declines or fails to issue a ruling within eight months after such ruling is requested, that such arrangement, combined with any other changes in Respondent's interest in Anamax, will not cause a termination of Anamax for purposes of Section 708 of the Internal Revenue Code of 1954 in its present form or as hereafter amended or in any corresponding provision of any subsequent federal tax law.

(2) Notwithstanding anything in subparagraph (1) or otherwise contained in this Order, Respondent may receive from Anamax in total or partial liquidation of or in exchange for Respondent's interest therein (a) all or a portion of Anamax's interest in any one or more of the properties in the following townships situated in Pima County, State of Arizona, including East Helvetia, West Helvetia, Empire Ranch and Cienega Ranch (the "Helvetia Property"), to wit:

Township 18 South, Ranges 15, 16, 17 and 18 East,
Township 19 South, Ranges 15, 16, 17 and 18 East,
Township 20 South, Ranges 17 and 18 East, all Gila and Salt River Base and Meridian,

which property is presently owned or controlled by Anamax, and/or (b) current or deferred cash payments from Anamax (any deferred cash payments may be evidenced by Anamax's promissory note or notes).

(3) Nothing in subparagraph (1) or otherwise contained in this Order shall preclude Respondent from effecting the divestiture of its interests in Anamax through a reallocation of partnership interests within Anamax as a result of which Respondent retains or increases an interest in the Helvetia Property, which may be held within, and be owned by, the Anamax partnership, in which Respondent may have an interest: *Provided,* That Respondent's interests in other partnership capital (other than that subject to this subparagraph (3)) shall not exceed the amounts permitted by subparagraph (1): *And further provided,* That any management rights which may be held by Respondent in Anamax, attributable to an interest held under this subparagraph (3), shall be limited to the Helvetia Property, and do not permit Respondent to participate in

the active management or control of those other portions of Anamax divested pursuant to this Paragraph V.

(4) Notwithstanding anything in subparagraph (1) or otherwise contained in this Order, Respondent may retain, as a partner in Anamax or otherwise, the right to take in kind, or the right to sell, any minerals produced by Anamax other than uranium and copper (except that this exclusion shall not apply to uranium and copper produced as a consequence of the operation of the Helvetia Property, as provided under subparagraph (3), or as a consequence of the provisions of subparagraph (1)(e)).

Provided further, Respondent shall use its best efforts to maintain in force to the time of divestiture contemplated by this Paragraph V those provisions in the Partnership Agreement, as presently amended, which provide that should Respondent's interest in Anamax be reduced to less than 45%, it shall cease to be entitled to equal participation in the management of the partnership and, further, that should its interest be reduced to less than 20%, such remaining interest may, under certain circumstances, be purchased at the option of Amax.

Provided further, That Respondent shall not make any voluntary contribution to Anamax which would have the effect of increasing its percentage partnership interest in Anamax, provided that Respondent shall remain free to make any contributions necessary to meet its obligations pursuant to the Partnership Agreement, as amended, any production payment agreement in effect on the Effective Date of this Order or the mining plan in effect on the Effective Date of this Order or any successor mining plan adopted under the Partnership Agreement, as amended: *Provided,* That the implementation of any such successor plan shall not increase Respondent's percentage partnership interest in Anamax.

And provided further, That should Respondent, after diligent efforts, be unable to divest its interest in Anamax, as provided by this Paragraph V at Fair Value within such five year period, it shall transfer authority to divest such interest, to the extent required by this Paragraph V, to a Trustee as provided in Paragraph XII.

VI

It is further ordered, That Respondent, as part of its compliance with provisions in Paragraphs I, II, III and V, shall undertake reasonable steps to advertise the availability for acquisition of the properties subject to said respective paragraphs. In discharge of this obligation, Respondent shall advertise each property, so long as it has not been divested, twice yearly in *Engineering and Mining Journal, Mining Congress Journal, Mining Engineering, London Mining Journal,* and *The Wall Street Journal.* Such advertisements shall contain a description of the property offered at least as detailed as the description contained in this Order, and shall refer inquiring persons to an employee of Respondent active in Respondent's efforts to sell such property, giving his address and telephone number. In addition, Respondent shall within 30 days of the Effective Date of this Order mail a description of each property, including the information set forth above, to no less than 50 Eligible Persons engaged in mining within the United States. Respondent agrees that it will negotiate in good faith with all Persons seeking to acquire any of the properties subject to Paragraphs I, II, III and V who are Eligible Persons, who appear to be genuinely interested in acquiring such property for their use or on behalf of an Eligible Person, and who demonstrate to Respondent their financial ability to accomplish purchase at Fair Value. Respondent shall make available to such *bona fide* prospective purchasers, to the extent it has the legal right to do so, access to factual data, including drill hole locations, logs and assay reports, and will permit escorted on-site inspections of the properties, subject to Respondent having obtained written agreement that such Person will hold confidential any information disclosed, will use such information solely for the purpose of evaluating the property and will not use such information for any business or competitive purpose. With respect to Anamax, Respondent will use its best efforts to obtain the consent of Amax or its subsidiaries to the disclosure of factual data to prospective purchasers consistent with the provisions of the preceding sentence. Respondent shall not be required to deal with Persons purporting to act as agents for certain unknown or unspecified buyers whether or not such Persons state they intend to collect a commission or other consideration from Respondent.

VII

It is further ordered, That with respect to the divestitures required by Paragraphs I, II, III and V, this Order shall not be deemed to prohibit Respondent (i) from accepting a Deferred Compensation Interest or (ii) from retaining, accepting and enforcing a promissory note, mortgage, deed of trust, lien or other similar interest, not to exceed 25 years in duration, that is not coupled with a right to participate in the operation or management of the property, except upon default or where actions by the purchaser or operator threaten destruction of, or substantial harm to, such interest or interests of Respondent and then only to the extent necessary to protect such interests, for the purpose of securing to Respondent payment of the price agreed upon by Respondent and the purchaser in connection with each divestiture; *Provided, however,* That if Respondent by enforcement or settlement of such interest, or for any other reason, regains direct or indirect ownership or control of any of the divested assets, properties, rights and privileges, tangible and intangible, Respondent shall, consistent with the provisions of this Order, redivest such ownership or control as expeditiously as possible, but in no event beyond two years of the time of reacquisition; provided further, that should Respondent fail to redivest any such reacquired ownership or control within two years as specified in this Paragraph VII, Respondent shall transfer authority to divest the property to a Trustee as provided in Paragraph XII.

VIII

It is further ordered, That during the Limitation Period Respondent shall not acquire, through purchase, lease or other such transaction which would confer upon Respondent ownership or control or possessory interest, any Operating Copper Property within the Restricted Area from any Copper Company, without the prior approval of the Commission; however, this restriction shall not apply to any acquisition of any ore deposit or deposits in the aggregate of less than 250,000 tons of recoverable copper which (i) is adjacent to or nearby an ore deposit owned or controlled by Respondent prior to such acquisition, (ii) would, in the interests of adopting efficient mining practices, be consolidated with Respondent's deposit for mining purposes and share a common ore concentrator with Respondent's deposit and (iii) does not contain recoverable copper in excess of the amount of recoverable copper in such adjacent or nearby deposits owned or controlled by Respondent immediately prior to the acquisition.

IX

It is further ordered, That during the Limitation Period, Respondent shall not participate in any operating Joint Venture with any Ineligible Person with

respect to any Operating Copper Property within the Restricted Area: *Provided further,* That no Joint Venture permitted by this Paragraph IX shall engage in the joint marketing or sale of copper, in whatever form, produced by the Joint Venture.

Provided, however, That nothing in this Paragraph IX or Paragraph X shall prevent Respondent from participating in the State of Alaska during the Limitation Period in (i) any operating Joint Venture with respect to an Operating Copper Property owned or controlled by Respondent prior to the establishment of such Joint Venture or (ii) any Joint Venture engaged in the development or construction of mine facilities with respect to a Non-Operating Copper Property owned or controlled by Respondent prior to the establishment of such Joint Venture, so long as:

(i) No more than a 40 percent (40%) interest in the capital and profits in any such Joint Venture is held, singly or in the aggregate, by Ineligible Persons;

(ii) Neither Kennecott Copper Corp., Phelps-Dodge Corporation, Newmont Mining Corp. nor Asarco Inc. participates in any such Joint Venture; and

(iii) Any such Joint Venture shall not engage in the joint marketing or sale of copper, in whatever form, produced by such Joint Venture.

Provided further, That nothing in this Paragraph IX or in Paragraph X shall prevent Respondent from participating in the State of Alaska during the Limitation Period in (i) any operating Joint Venture with respect to an Operating Copper Property owned or controlled by a Person other than Respondent prior to the establishment of such Joint Venture, or (ii) any Joint Venture engaged in the development or construction of mine facilities with respect to a Non-Operating Copper Property owned or controlled by a Person other than Respondent prior to the establishement of such Joint Venture so long as:

(i) Respondent holds no more than a 40 percent (40%) interest in the capital and profits in any such Joint Venture;

(ii) No more than two Ineligible Persons may participate with Respondent in any such Joint Venture; and

(iii) Any such Joint Venture shall not engage in the joint marketing or sale of copper, in whatever form, produced by such Joint Venture.

And provided further, That for purposes of this Paragraph IX and Paragraphs VIII and X with respect to ore deposits in the State of Alaska, clause (ii) in definition "f" shall read "(ii) for which the dollar value of copper recovered exceeds the dollar value of all other minerals recovered" and clause (ii) in definition "g" shall read "(ii) that the dollar value of copper recovered would exceed the dollar value of all other minerals to be recovered"; definitions "f" and "g" shall in all other respects remain unchanged.

X

It is further ordered, That during the Limitation Period, Respondent shall not participate in any Joint Venture engaged in the development or construction of mine facilities with any Ineligible Person with respect to any Non-Operating Copper Property within the Restricted Area: *Provided further,* That no Joint Venture permitted by this Paragraph X shall engage in the joint marketing or sale of copper, in whatever form, subsequently produced by the Joint Venture.

Provided further, That nothing contained in Paragraphs VIII, IX and X shall prevent Respondent, in the interest of adopting efficient mining practices at a specific mining property, from acquiring or receiving, or in turn transferring or delivering, or swapping, copper deposits, ore, or concentrates from, to, or with another Copper Company or Companies owning or operating a copper property adjacent to or overlapping copper properties of Respondent: *Provided, however,* That such transactions shall involve no more of the respective adjacent or overlapping copper properties than is reasonably necessary to such purpose.

XI

It is further ordered, That in the event of a Major Change of Condition, Respondent shall be entitled within the Limitation Period to make one acquisition or to enter into one Joint Venture which would otherwise be prohibited by Paragraphs VIII, IX or X: *Provided,* That such acquisition or Respondent's share of such Joint Venture shall not increase Respondent's total domestic copper mine production above 145,000 short tons of recovered copper a year: *And further provided,* That no Joint Venture permitted by this Paragraph XI shall engage in the joint marketing or sale of copper, in whatever form, subsequently produced by the Joint Venture. In the event of a Catastrophic Change of Condition, Respondent shall be entitled to make one such acquisition or enter into one such Joint Venture without limitation as to size.

XII

It is further ordered, That should it be necessary to appoint a Trustee with respect to a property subject to Paragraphs I through V, such Trustee shall be appointed by agreement of Respondent and the Commission, acting through the Director of the Bureau of Competition or such other person as the Commission may designate. If they are unable to agree, then each shall nominate a representative, who along with a third person appointed under the Commercial Rules of the American Arbitration Association, shall select the Trustee by majority vote. The Trustee shall be charged to attempt diligently to effect divestiture at Fair Value within three years from the date of his appointment. Should the Trustee not have divested the property within such three year period, he shall divest it within one year at the best price he is reasonably able to obtain. The functions and obligations of the Trustee are set forth in Appendix I. Nothing shall prevent Respondent from divesting a property after the appointment of a Trustee.

XIII

It is further ordered, That Respondent may not divest more than two of the properties subject to Paragraphs I through V to any one Eligible Person, including the subsidiaries of such Person, without the prior approval of the Commission, except that Amax and its subsidiaries may purchase the properties subject to Paragraphs II, III and V consistent with the provisions of said Paragraphs.

XIV

It is further ordered, That nothing in this Order shall prohibit:

(1) Acquisition by Respondent of all or part of the securities or assets of its subsidiaries.

(2) Formation of subsidiaries by Respondent and the transfer thereto of assets of Respondent or of other subsidiaries.

XV

It is further ordered, That Respondent may apply for relief to the Commission upon the occurrence of any change subsequent to the Effective Date of this Order which substantially alters the competitive situation in the copper industry or which materially affects the copper operations of the Respondent.

XVI

It is further ordered, That jurisdiction is retained by the Commission for the purpose of enabling the parties to this

Order to apply to it at any time for such future Orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions hereof; *Provided, however,* That in no event shall the provisions of this Order be enlarged or extended to require Respondent to divest properties or interests other than those specified in Paragraphs I, II, III, IV and V or to limit or otherwise restrict Respondent's activities other than as set forth in Paragraphs VIII, IX and X. Any order of the Commission construing or declining to construe or modifying or declining to modify any of the provisions of this Order shall be appealable, to the extent provided by statute, to any court of any competent jurisdiction.

XVII

It is further ordered, That pending any divestiture required by this Order, Respondent shall not knowingly cause or permit the deterioration of the assets and properties specified in Paragraphs I, II, III and V in any manner that impairs the marketability of any such assets and properties. Respondent may, but shall not be required to, make capital expenditures for the improvement of any such assets and properties to an extent consistent with other provisions of this Order.

XVIII

It is further ordered, That in addition to the requirements of Paragraphs I through V concerning the divestitures ordered therein, none of the stock, assets, properties, rights, privileges or interests of whatever nature, tangible or intangible, ordered to be divested shall be sold or transferred, directly or indirectly, to any Person who is at the time of the divestiture an officer, director, employee or agent of, or under the control or direction of, Respondent, or to any person who owns or controls, directly or indirectly, more than one percent (1%) of the outstanding shares of the capital stock of Respondent.

XIX

It is further ordered, That any dispute between Respondent on the one hand and the Commission or the Trustee on the other hand arising under Paragraphs I through XII shall be resolved at the option of Respondent, the Commission or the Trustee by arbitration undertaken pursuant to the Commerical Rules of the American Arbitration Association.

XX

It is further ordered, That within sixty (60) days from the Effective Date of this Order, and three times annually thereafter, until it has fully complied with Paragraphs I through V of this Order, Respondent shall submit a verified report in writing to the Commission setting forth in reasonable detail the manner and form in which it intends to comply, is complying or has complied therewith. All such reports shall include: (a) a specification of the steps taken by Respondent to make public its desire to divest the properties specified in Paragraphs I through V, (b) a list of all Persons or organizations to whom notice of divestiture has been given, and (c) a summary of all negotiations undertaken, giving the identity and address of all interested persons or organizations and indicating whether the negotiations are concluded or are still underway; *Provided, however,* That Respondent may delete from the report the identity of persons it has negotiated with if, in its business judgment, the disclosure of such information as a consequence of a request or suit by any Person or any committee or subcommittee thereof would hinder its efforts to divest any property subject to Paragraphs I through V at Fair Value. In each case, Respondent will make available for inspection in Washington, D.C., a complete copy of its report containing such deleted information which may be reviewed by, but not copied by, personnel from the Commission. Upon request from the Commission, Respondent will make available such additional information relating to any specified negotiation which is reasonably necessary to enable the Commission to review Respondent's efforts to comply with the provisions of Paragraphs I through V of this Order; *Provided, however,* Respondent may limit disclosure of confidential or proprietary information in accord with the procedures set forth in the preceding sentence.

XXI

It is further ordered, That Respondent shall notify the Commission at least thirty (30) days prior to any change in its corporate structure (such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other proposed change in the corporation) which may affect compliance obligations arising out of this Order.

XXII

It is further ordered, That for so long as the Limitation Period is in effect, Respondent shall notify the Commission at least sixty (60) days in advance of (i) any acquisition by it of any Operating Copper Property or Non-Operating Copper Property within the Restricted Area from any Copper Company, or (ii) any participation by it in any operating Joint Venture with respect to any Operating Copper Property within the Restricted Area, or (iii) any participation by it in any Joint Venture engaged in the development or construction of mine facilities with respect to any Non-Operating Copper Property within the Restricted Area. If any such acquisition or Joint Venture is to be undertaken pursuant to any Major Change of Condition or Catastrophic Change of Condition, Respondent shall provide at the time of notification above, a description of such Major Change of Condition or Catastrophic Change of Condition.

XXIII

It is further ordered, That Respondent shall, upon written request of the Secretary of the Commission or the Director of the Bureau of Competition of the Commission made to Respondent at its principal office for the purpose of securing compliance with this Order, and for no other purpose, permit duly authorized representatives of the Commission, subject to any legally recognized privilege:

(1) Reasonable access during the office hours of Respondent, which may have counsel present, to those books, ledgers, accounts, correspondence, memoranda, and other records and documents in Respondent's possession or control which relate materially and substantially to any matter contained in this Order.

(2) An opportunity, subject to the reasonable convenience of Respondent, to interview officers or employees of Respondent, who may have counsel present, regarding such matters.

The foregoing provision shall not be interpreted to provide any access for the Commission to records relating to any of the business activities of the Respondent other than its copper operations subject to this Order.

XXIV

It is further ordered, That no acquisition, Joint Venture or other act or transaction to which Respondent is a party shall be deemed immune or exempt from the provisions of the antitrust laws by reason of anything contained in this Order.

Appendix I—Outline of Trustee Agreement

It is agreed between the Commission and Respondent that should it be necessary to appoint a Trustee pursuant to the provisions

of Paragraph XII of the Order with respect to any of the properties to be divested, Respondent shall at that time transfer to the Trustee authority to divest such property, which authority shall be embodied in a written Trustee Agreement containing provisions setting forth the functions and duties of the Trustee consistent with the following undertakings:

1. Respondent will compensate the Trustee for the reasonable value of his services necessary to effect the divestiture of a property subject to Paragraphs I through V of the Order.

2. Respondent will reimburse the Trustee for such expenditures and other obligations incurred by the Trustee which are reasonably related to the effort of the Trustee to divest the particular property for which he has been appointed. Such expenses may include, without limitation, the costs of travel reasonably necessary to view and inspect the property to be divested, to meet with the employees of Respondent who are knowledgeable with respect to the property, to visit the offices of potential purchasers of the property for the purpose of conferring with respect to the sale of the property and to defray the costs of travel of certain potential purchasers judged by the Trustee to be seriously interested in the property. It shall also pay reasonable costs for secretarial and other clerical support along with the cost of advertising and other promotional material as may be necessary to apprise potential buyers of the availability of the property and its basic characteristics.

3. Respondent agrees that it will provide to the Trustee appointed with respect to each property such access to its books and records as may reasonably be necessary to enable the Trustee to form an understanding of the nature and potential of said property and to enable Trustee to prepare materials designed to facilitate the sale of the property. This right of access shall not include access to materials which of their nature are privileged, including without limitation tax returns and related schedules, unless Respondent voluntarily elects to make such information available, and shall, in no case, entitle the Trustee access to information consisting of or reflecting attorney-client communications or attorney work product, whether with respect to this matter, FTC Docket 9089, or otherwise. It is acknowledged that Respondent is under certain contractual obligations with respect to the Anamax property which limit its ability to disclose information to persons other than the partners in said venture. With respect to such partnership, Respondent agrees to use its best efforts to secure the consent of Amax or any other partner or partners in Anamax as may be necessary to make relevant information available to the Trustee.

4. Respondent will empower the Trustee to reveal certain information respecting the properties to be sold to potential purchasers so that they may evaluate the properties being offered. In the case of Respondent's interest in Anamax, Respondent further undertakes to employ its best efforts to secure the consent of Amax or any other partner or partners therein as to the disclosure of such relevant or useful information. With respect to such information designated by the Respondent as proprietary or confidential, the Trustee shall secure an agreement whereby each person to whom disclosure is made agrees to hold confidential any information disclosed and undertakes to use the information solely for the purpose of evaluating the property and not to employ it for any business or competitive purpose.

5. Respondent will make available to the Trustee its employees who have knowledge as to the history, characteristics and potential of the property whose sale is subject to the control of the Trustee so that the Trustee may ascertain such facts as are reasonably related to his efforts to divest the property. The Trustee shall give reasonable notice to the Respondent of any request for access to its personnel who, at the sole election of Respondent, may be accompanied by attorneys representing the Respondent at any interview with the Trustee. Such undertaking shall in the case of Anamax be subject to the limitations set forth in Paragraph 3.

6. In those instances in which it is necessary, the Trustee will be authorized to retain independent legal counsel, accountants and other persons knowledgeable in the mining industry for purposes of discharging the functions set forth above. Respondent will reimburse the Trustee for all expenses reasonably and necessarily so incurred up to a maximum of —— per annum. It is acknowledged that because of the special complexities inherent in the Anamax partnership, greater use of such outside assistance may be necessary, and Respondent will reimburse Trustee for all reasonable and necessary charges up to a maximum of —— a year.

7. The Trustee shall be charged to exercise such care and diligence as a prudent businessman would exercise in the conduct of his own affairs in undertaking to divest the property for which he has been appointed. He shall endeavor diligently to divest the property mindful of the interest of the Commission in securing compliance with the Order and the interest of the Respondent in receiving Fair Value for its property. Any agreement or proposed agreement for the divestiture of a property shall recite that it is subject to the terms of the Consent Order, including this Appendix, and may be suspended or cancelled as provided by the Consent Order including this Appendix.

8. Sixty (60) days prior to entering into any agreement or other arrangement with respect to the divestiture of a property, the Trustee will be required to give notice of the proposed divestiture to Respondent and the Director of the Bureau of Competition, which notice shall consist of the full text of the agreement and all appendices, exhibits and other attachments thereto.

9. Within the foregoing sixty (60) day period, Respondent and the Commission, acting through the Director of the Bureau of Competition or such other person as the Commission may designate, may challenge the proposed divestiture on the grounds, respectively, that the proposed sale or other transfer is not at Fair Value or does not conform with the provisions of the Order. Should such a challenge arise, the Trustee shall immediately notify the potential purchaser, informing him of the existence of the dispute and suspending the sale subject to resolution under Paragraph XIX of the Order. Should a proceeding under Paragraph XIX of the Order result in a determination that the proposed divestiture is not at Fair Value or is contrary to the terms of the Order, the Trustee shall promptly notify the proposed purchaser and cancel the transaction.

10. Respondent will cooperate with Trustee to provide all evidence of transfer, consents and related documents as may be necessary to divest any property approved for sale pursuant to the provisions of Paragraph 9.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted an agreement to a proposed consent order from Atlantic Richfield Company ("Atlantic Richfield").

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

The initial complaint against Atlantic Richfield, issued on October 13, 1976, charged the company with violation of Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act on the grounds that Atlantic Richfield's then-proposed acquisition of the Anaconda Company ("Anaconda") would eliminate three forms of competition:

(1) Actual competition between Atlantic Richfield and Anaconda in the production and sale of uranium oxide;

(2) Potential competition between Atlantic Richfield and producers of uranium oxide, including Anaconda;

(3) Potential competition between Atlantic Richfield and producers of copper, including Anaconda, in copper mine production and in the production and sale of refined copper.

At the time the initial complaint was issued, Atlantic Richfield was, in addition to being a petroleum company, a producer of uranium oxide through a joint venture operating in Clay West, Texas, with Niagara Mohawk Power Company and United States Steel Corporation. Atlantic Richfield had also been involved in copper-related activities that indicated the possibility

of the company's eventual entry into copper mining and refining. Anaconda was both a producer of uranium oxide and a miner and refiner of copper.

On November 2, 1976, a hearing was held in the United States District Court for the Eastern District of Virginia on the Commission's motion for a preliminary injunction against the merger pending completion of the Commission's administrative lawsuit. On the same day, Atlantic Richfield announced a plan to sell its interest in the Clay West uranium joint venture to Niagara Mohawk and United States Steel. Later that day the district court denied the Commission's motion. The sale of Atlantic Richfield's Clay West interest was consummated on December 6, 1976. Thereafter, on January 12, 1977, the United States Court of Appeals for the Fourth Circuit affirmed the judgment of the district court, and the merger was consummated later that same day. An amended complaint was issued on March 11, 1977, to reflect the consummation of merger.

Following extensive discovery of facts by both parties, and as the case neared commencement of trial, attorneys for the Commission's Bureau of Competition and for Atlantic Richfield entered into settlement negotiations in September, 1978. The attorneys for the two parties entered into a settlement agreement on February 15, 1979 after five months of intensive negotiation. The agreement and the consent order incorporated therein have been accepted subject to final approval by the Commission and are now being placed on the public record for comment.

Divestitures. Paragraphs I through V of the Order require, respectively, the divestiture of Atlantic Richfield's Heddleston copper and molybdenum mineral property, its Ann Mason copper mineral property, its Bear copper mineral property, its 20 percent stock holding in Inspiration Consolidated Copper Company and its 50 percent joint venture interests in the Anamax Mining Company, a copper miner and producer of copper concentrate and electrowon refined grade copper and planned producer of uranium through by-product operations. Anamax operates the Twin Butte copper mine near Tucson, Arizona and is a partner in the Eisenhower Mining Company, which operates the Palo Verde copper mine, also near Tucson. Each of the divestitures must be to an "Eligible Person," which is defined as anyone other than (a) 11 named major domestic and Canadian producers of copper, and (b) an entity that accounts for five percent or more of copper mine production in the United States at the time of a planned divestiture. The requirement that divestitures be limited to such Eligible Persons promotes competition by enabling new entrants or current smaller producers to acquire the properties.

The time allowed for Atlantic Richfield to accomplish divestiture ranges from a minimum of one year for the Inspiration stock to five years for the Anamax interest. During such periods, Atlantic Richfield has the opportunity to seek Fair Value for the properties and assets, that is, a price that is unaffected by the fact that the sale is required by a Commission order. The periods allowed for divestiture of the non-stock assets are longer than those specified in typical Commission orders because the sale (and purchase) of mineral properties is a much more specialized, complicated task than is usually involved in asset sales. Evaluations of mineral properties typically require extensive drilling, at substantial cost, and may take many months or even years. The sale of the Anamax interest may be particularly complicated because Atlantic Richfield's present partner, AMAX, Inc., has a right of first refusal. This may deter prospective purchasers from committing the substantial sum of money and time required to evaluate the property.

If Atlantic Richfield does not divest within those time periods, authority to divest will be transferred automatically to a divestiture trustee (see Paragraph XII of the Order). The trustee will be allowed three years to attempt to obtain Fair Value for the properties and assets transferred to him. If divestiture is not accomplished within that time, the property involved must be sold within one additional year at the best price obtainable. The provision for a divestiture trustee creates an incentive for Atlantic Richfield to accomplish divestiture expeditiously on its own. Another incentive for prompt divestiture is the provision that the acquisition ban and joint venture restrictions (see below) will be extended if divestiture is not accomplished within specified periods that are shorter than the maximum permitted by the Order (see the definition of "Limitation Period").

In divesting the properties, Atlantic Richfield may retain a "Deferred Compensation Interest," which refers to a class of payment arrangements that entitle the seller to receive compensation on a deferred basis from the output, revenues or profits of the mining property that is being sold. Such payment interests are used commonly in the mining industry to facilitate sales by reducing the buyer's initial cash outlay, and hence the risk, and making payment contingent to some extent on the success of the property. Atlantic Richfield also may retain a security interest in the properties (see Paragraph VII). Neither Deferred Compensation Interests nor security interests give Atlantic Richfield a right to participate in the management or control of the property except in extraordinary circumstances in which the actions of the purchaser or its operator threaten serious harm to Atlantic Richfield's interests. Aside from Deferred Compensation Interests, and a partial exception for the Anamax interest, the divestitures must be absolute.

Paragraph V of the Order provides that Atlantic Richfield need not divest its entire interest in Anamax if total divestiture would result in substantial adverse tax consequences. This could occur because Atlantic Richfield's current interest in Anamax exceeds 50 percent and the Internal Revenue Service would regard the divesture of more than a 50 percent interest as a "termination" of a partnership for federal tax purposes. The Order permits Atlantic Richfield several options to structure the divesture in a manner that would avoid unnecessary tax loses. One such option would allow Atlantic Richfield to receive, as a condition of sale, all or part of the partnership's interest in the Helvetia mineral property as a means of reducing Atlantic Richfield's interest in the partnership below 50 percent; all or substantially all of Atlantic Richfield's remaining interest in Anamax could then be sold without triggering a tax loss. Another option would permit Atlantic Richfield to agree with AMAX to a restructuring of the partnership to the effect that Atlantic Richfield would have control only over the Helvetia property while AMAX would have control over of Anamax's other assets, which includes the producing properties at Twin Buttes and Palo Verde. Atlantic Richfield may seek a revenue ruling from the IRS to ensure that a proposed plan of divestiture will not cause substantial tax liabilities.

In any event, however, Atlantic Richfield must divest at least a 45 percent interest in Anamax, which would leave Atlantic Richfield with no effective operating control over the partnership's producing properties. In addition, the Order prohibits Atlantic Richfield from increasing its percentage interest in Anamax and also from attempting to modify the partnership agreement to give itself more control. Thus, in practical effect, divestiture would be complete.

The divestitures are further subject to the restriction in Paragraph XIII that Atlantic Richfield may not divest more than two of the properties to any one Eligible Person, except that AMAX may acquire Atlantic Richfield's interest in Anamax plus the Ann Mason and Bear properties on condition that AMAX relinquish all or substantially all of the Helvetia property to Atlantic Richfield (see Paragraphs II, III). Such an agreement with AMAX would enable AMAX to become a more substantial producer and also remove the Helvetia property from a joint venture relationship. In addition Paragraph XVIII provides that Atlantic Richfield may not divest to any person who is an officer, director, employee or agent of Atlantic Richfield or otherwise under its control or direction, or to any person who owns more than one percent of the outstanding stock of Atlantic Richfield.

Paragraph VI sets forth specific steps that Atlantic Richfield must undertake in its efforts to divest the properties. Thus, it must advertise in leading trade publications, mail notices to 50 companies (other than Ineligible Persons) engaged in mining, negotiate in good faith with bona fide prospective purchasers and provide such prospective purchasers with factual data regarding the properties. Paragraph XVII provides that pending the divestitures, Atlantic Richfield may not knowingly cause to permit the deterioration of the assets and properties to be divested.

Acquisition Ban and Joint Venture Restrictions. In addition to the divestitures, Atlantic Richfield is subject to an acquisition ban and joint venture restrictions. Paragraphs VIII provides that Atlantic Richfield may not acquire during the "Limitation Period" any currently producing or near-producing copper property from any Copper Company with in the Restricted Area. The definition of "Copper Company" contains a size criterion that permits Atlantic Richfield to acquire producing properties from small firms that may not have sufficient resources to become significant competitors. The "Restricted Area" is defined as the United States plus Puerto Rico, although a partial exception is allowed for Alaska on the ground that the high costs and difficult operating conditions associated with Alaskan mining require operating flexibility and justify lesser restrictions on Atlantic Richfield's activities in that State.

The acquisition ban contains an exception for modes-sized properties (less than 250,000 tons of recoverable copper) where acquisition by Atlantic Richfield for purposes of consolidating it with an adjacent or nearby property already belonging to Atlantic Richfield would result in mining efficiencies. Because of the size limitation and the specific requirements of Paragraph VIII, the exception is expected to have limited application and should be beneficial to competition within the industry by promoting efficiency.

Paragraphs IX and X provide, in part, respectively, that Atlantic Richfield may not participate with any Ineligible Person in any operating joint venture with respect to any Operating Copper Property or in any Joint Venture engaged in the development or construction of mine facilities. Atlantic Richfield is not barred from joint venturing with Eligible Persons on the ground that such companies may be able to benefit from association with Atlantic Richfield's financial resources and technical capabilities. Any such permissible joint venture may not, however, engage in the joint marketing or sale of copper.

Paragraph IX also contains a partial exemption for joint ventures in Alaska because the high cost of Alaskan mineral operations appears to warrant joint venture operations to a greater extent in that State than appears to be the case in the lower 48 States. With respect to Alaskan mineral properties owned or controlled by Atlantic Richfield before entering into a joint venture, Atlantic Richfield may not relinquish more than a 40 percent interest to Ineligible Persons either singly or in the aggregate, and Kennecott Copper Corporation, Phelps Dodge Corporation, Newmont Mining Corporation and ASARCO Inc. may not be participants in any event. This enables Atlantic Richfield to obtain financing from other copper companies for the development of Alaskan properties but prevents excessive sharing of control among major copper companies. With respect to Alaskan mineral properties owned or controlled by other firms, Atlantic Richfield may participate in a joint venture to an extent not exceeding a 40 percent interest provided that no more than two Ineligible Persons may participate with Atlantic Richfield. This provision enables Atlantic Richfield to gain access to more copper but it does not allow Atlantic Richfield to gain control of properties discovered by others.

Paragraph X provides in addition that neither the acquisition ban nor the joint venture restrictions prevent Atlantic Richfield from "swapping" copper deposits, ore or concentrates with a copper company that owns a deposit that overlaps or adjoins an Atlantic Richfield deposit where the purpose of the agrement is to engage in cooperative mining of the two properties in the interest of adopting efficient mining practices. The agreement, however, may not include the joint marketing of the output from the cooperative mining operation. Such cooperative mining transactions generally do not affect the relative levels of output of the companies involved and, in light of the mining efficiencies expected, are considered beneficial.

Paragraph XI provides that the acquisition ban or joint venture restriction may be suspended on a one-time basis upon the occurrence of a "Major Change of Condition" or a "Catastrophic Change of Condition" that seriously reduces Atlantic Richfield's cooper output for reasons beyond its reasonable control. Factors that may initiate a change of condition include acts of God, substantial changes in costs and the action or inaction of governmental entities. The change must be such that production at prior levels would result in operating losses and no economically-justified corrective measures could be taken to restore production to prior levels within two years after the initial year of reduced output.

If production falls to or below 110,000 tons of recovered copper per year as a result of a Major Change of Condition, Atlantic Richfield may acquire one copper property or participate in one joint venture so long as the additional copper does not cause Atlantic Richfield's output to exceed 145,000 tons per year, which was approximately Atlantic Richfield's output in 1978. If a Catastrophic Change of Condition occurs, reducing output to or below 80,000 tons of recovered copper per year, Atlantic Richfield may make one acquisition or participate in one joint venture regardless of size. The purpose of Paragraph XI is to enable Atlantic Richfield to maintain sufficient output to remain as viable a competitor in the copper industry as Anaconda was at the time of the acquisition.

Paragraph XIX provides that any dispute between Atlantic Richfield and the Commission or the divestiture trustee arising under the provisions relating to divestitures, acquisition bans and joint venture restrictions (Paragraphs I–XII) shall be submitted to arbitration under the Commercial Rules of the American Arbitration Association. The purpose of the arbitration provision is to facilitate prompt, professional resolution of disputes that involve purely commercial issues rather than substantive issues of antitrust law or policy.

Reporting and Notice Requirements. Paragraph XX provides that Atlantic Richfield must submit to the Commission three times annually a written report setting forth in reasonable detail the manner in which it has complied and will comply with the Order. Paragraph XXI requires Atlantic Richfield to notify the Commission at least 30 days prior to any change in its corporate structure that may affect its compliance obligations. Paragraph XXII requires Atlantic Richfield to notify the Commission at least 60 days in advance of any acquisition of a copper property or participation in a copper joint venture. Paragraph XXIII requires Atlantic Richfield to give Commission personnel access to corporate records and personnel for purposes of securing compliance with the Order.

Modification of the Order. Paragraphs XV and XVI simply preserve Atlantic Richfield's ordinary rights of appeal. Paragraph XV provides that Atlantic Richfield may apply to the commission for a modification of the Order upon the occurence of a material change relating to competitive conditions in the copper industry or to Atlantic Richfield's copper operations. Paragraph XVI provides that the Commission will retain jurisdiction for the purpose of re-opening the settlement proceedings provided that no provisions of the Order may be enlarged or extended against Atlantic Richfield. Paragraph XVI also provides that any order of the Commission construing or declining to construe or modifying or declining to modify any of the provisions of the consent order shall be appealable to the extent provided by law.

No Antitrust Immunity or Exemptions. Paragraph XXIV acts as a safeguard against any unanticipated complications attributable to the Order. It provides that no acquisition, joint venture or other act or transaction to which Atlantic Richfield is a party pursuant to the Order will be regarded as immune or exempt from the antitrust laws by reason of anything contained in the Order. This provision enables the Commission to scrutinize, and challenge if necessary, any transaction involving Atlantic Richfield that arises from the Order.

Competitive Impact of the Order. The divestiture of Atlantic Richfield's interest in the Anamax Mining Company eliminates a significant joint venture relationship and presents an opportunity for AMAX to become an independent domestic producer of copper. The divestiture of the Inspiration stock similarly eliminates a significant horizontal relationship. The divestiture of the three undeveloped copper mineral properties is expected to have at least two significant effects. First, it gives a purchaser of one or more of the properties an opportunity to become a more significant copper firm in the future. Second, it is expected to encourage Atlantic Richfield to explore for new deposits to replace the divested properties. Such exploration for and discovery of new reserves is a vital element of competition in the industry. The combination of more competition and greater copper availability is expected to have a beneficial influence on copper prices.

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

Carol M. Thomas,

Secretary.

[FR Doc. 79-23756 Filed 7-31-79; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

Financial Early Warning System; Proposed Rule

Correction

In FR Doc. 79-22154, appearing at page 41830 in the issue of Wednesday, July 18, 1979, the date given in the 10th line of column one on page 41831 should be, "September 17, 1979".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1 and 601]

[LR-206-78]

Residential Energy Credit; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to residential energy credit.

DATES: The public hearing will be held on September 12, 1979, beginning at 10 a.m. Outlines of oral comments must be delivered or mailed by August 29, 1979.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-206-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 44C of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Wednesday, May 23, 1979 at page 29923 (44 FR 29923).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by August 29, 1979. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 79-23818 Filed 7-31-79; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 953]

Fraud and Violations of Public Trust in Contract, Acquisition, and Other Matters

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force proposes to revise Part 953 of 32 CFR, Fraud and Violations Acquisition, and Other Matters. The revision clarifies the criteria for reporting fraud and violations of public trust and updates terminology. It applies to all Air Force members involved with contracts or the acquisition process and the Air Force Office of Special Investigations. Interested persons are invited to participate in this rulemaking by submitting comments to the contact person listed below.

DATE: Comments must be received on or before August 31, 1979.

ADDRESS: Comments should be addressed to Contract and Acquisitions Branch, Directorate of Fraud Investigations, Forrestal Bldg., Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Major Martin J. Connolly, 202-693-6540.

The legal authority for this part is 10 U.S.C. 8012. The revised part is proposed to read as follows:

Subchapter O—Special Investigation

Part 953—Fraud and Violations of Public Trust in Contract, Acquisition, and Other Matters.

Sec.

953.1 Purpose.
953.2 Fraud and violations of public trust.
953.3 Reporting responsibilities.
953.4 Investigative responsibilities.

§ 953.1 Purpose.

This part assigns responsibilities and prescribes procedures for reporting and investigating suspected fraud and violations of public trust—in Air Force contract, acquisition, and other matters—and of Air Force Standards of Conduct. The part applies to all Air Force members involved with contracts or the acquisition process and the Air Force Office of Special Investigations.

Note.—All of the personally identifiable records established under the provisions of this regulation are affected by the Privacy Act of 1974 (5 U.S.C. 552a). The authority for establishing and maintaining records concerning these matters is 44 U.S.C. 3101. Records established in accordance with this regulation are maintained in Air Force System F 124–10 07YLNGAC Criminal Records. The description of this system of records, its uses and contents have been published in the Federal Register in accordance with the Privacy Act. The Secretary of the Air Force has exempted this system of records from certain provisions of the Privacy Act in accordance with 5 U.S.C. 552a(j)(2). (See AFR 12–35.)

§ 953.2 Fraud and violations of public trust.

(a) Fraud against the Air Force in acquiring, using, and disposing of resources may occur in two basic forms. First, individuals or companies outside of the Air Force who are performing contracts in support of Air Force needs may independently attempt to defraud the Air Force. This form of fraud may include false billings, willful diversion or misuse of Government property, willful delivery of nonconforming supplies, and collusive bidding. The second form of fraud involves violations of public trust wherein Air Force personnel (military or civilian), either independently or in concert with individuals or companies outside of the Air Force, may attempt to use their positions of public trust for personal gain at the expense of the Air Force. Violations of public trust may include collusion, favoritism, bribery, offering, soliciting or accepting gratuities, and conflicts of interest.

(b) The public trust in the integrity of Air Force contract, acquisition, disposal, and all other business transactions is of the utmost importance and must be maintained. All Air Force personnel (military and civilian) who have reason to believe fraud or violations of public trust have been or are being committed, must promptly report all information within their knowledge or belief to the responsible Air Force authorities. Violations of the standards of conduct, as defined in Part 920 of this chapter, also will be reported and investigated in the same manner as fraud and violations of public trust.

§ 953.3 Reporting responsibilities.

The prompt reporting of any indications of fraud or violations of public trust mentioned in § 953.2 is extremely important.

(a) All personnel who have information leading to the belief that any of the violations referred to in § 953.2 have been or may be committed, must report all such information to the nearest Air Force Office of Special Investigations (AFOSI) activity or to the commander having:

(1) Immediate jurisdiction over the Air Force personnel allegedly involved; or

(2) Administrative responsibility for the contract(s) involved.

(b) The commander who receives information that shows possible fraud or violations of public trust as described in § 953.2, must promptly refer the matter to the nearest AFOSI activity for investigation.

(c) All personnel are required to prevent the disclosure of such information to unauthorized persons. Unauthorized or premature disclosure could compromise any subsequent investigation or could damage, without cause, the reputation of persons ultimately determined as innocent of wrongdoing.

(d) Fraudulent activities often appear on the surface as administrative or managerial irregularities; therefore, an individual should never assume the responsibility for deciding the significance of the information under consideration. Any question of fault on the part of any individual or company is resolved by reporting the information.

§ 953.4 Investigative responsibilities.

(a) Within the Air Force jurisdiction, AFOSI investigates all suspected fraud in Air Force contract, acquisition, disposal transactions, and other matters when requested by the appropriate commander. The AFOSI forwards initial, interim, and final reports of investigation to the commander concerned, for information and necessary action. In some cases, AFOSI coordinates investigations conducted outside the U.S. with host country authorities, as provided for in the Status of Forces Agreement or related agreements.

(b) AFOSI refers some cases in these categories to the Department of Justice (including the Federal Bureau of Investigation) and coordinates Air Force investigations with all interested Government agencies. Air Force commanders must not refer allegations or complaints on such matters either to the local or the national office of the Department of Justice (or the Federal Bureau of Investigation); however, they must cooperate fully with representatives of the Department of Justice, when requested.

(c) The AFOSI district serving the commander concerned (see § 953.3(a)), informs the commander when information of the type covered by this part is furnished directly to any echelon of the AFOSI, and informs the commander of the nature of the information so the commander can

determine if an investigation should be requested.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-23716 Filed 7-31-79; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1287-4]

Approval and Promulgation of Implementation Plans; Georgia: Plan Revision Relating to Georgia Power Plant Bowen

AGENCY: U.S. Environmental Protection Agency, Region IV.

ACTION: Proposed rule.

SUMMARY: EPA today proposes approval action on a State Implementation Plan (SIP) revision submittal made by the Georgia Environmental Protection Division in accordance with the requirements of Section 110 of the Clean Air Act. The revision to Georgia's SIP involving an Order for Georgia Power's Plant Bowen was transmitted to EPA May 16, 1979, and was subjected to a public hearing on December 20, 1978.

The plant is at present in compliance with applicable State and Federal air quality standards. The SIP revision specifies that a correlated opacity will be used to assure continued compliance. The correlated opacity was determined through a series of stack tests in which opacity and mass emission rate were measured simultaneously. It has been determined that 25% opacity for Units 1 and 2 will assure compliance with the mass emission limit. EPA has reviewed the data establishing the correlated opacity and found it to be acceptable. EPA proposes to approve the SIP revison.

DATES: To be considered, comments must be submitted on or before August 31, 1979.

ADDRESSES: Written comments should be addressed to Harriet Smith of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by Georgia may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia, 30308.

Air Protection Branch, Environmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street, S.W., Atlanta, Georgia, 30334.

FOR FURTHER INFORMAITON CONTACT: Harriet Smith Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia, 30308, Telephone: 404/881-3286 (FTS 257-3286).

Dated: July 23 1979.

John C. White,

Regional Administrator.

[FR Doc. 79-23767 Filed 7-31-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1286-1]

Proposed Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On January 19, 1979, the State of Maryland submitted a revised State Implementation Plan (SIP) to EPA. This revised SIP was for those areas designated as not attaining the National Ambient Air Quality Standards. The plan addresses attainment of the Total Suspended Particulate, Ozone, and Carbon Monoxide standards. The revisions are intended to satisfy the requirements of Part D of Title I of the Clean Air Act as amended.

The requirements for an approvable nonattainment SIP are described in a **Federal Register** notice published on April 4, 1979 (44 FR 20372 [1979]), and are not repeated today. This notice describes the nature of the Maryland submittals, EPA's evaluation to date, and discusses any deficiencies with respect to the requirements of Section 110 and Part D of Title I of the Clean Air Act found by EPA's review to date.

DATE: Comments must be submitted on or before August 31, 1979. On April 19, 1979, the Regional Administrator, EPA, Region III, published a Notice of Availability (44 FR 23263 [1979]) of the revised Maryland Implementation Plan (SIP) for public inspection. The Regional Administrator believes that the additional 30 days now being afforded the public to comment will be sufficient. However, in the event the Regional Administrator receives a request for additional time to submit comments, he will consider granting an extension of the present comment period for up to an additional 30 days.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Tenth Floor, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106. ATTN: Edward A. Vollberg.

Maryland Department of Health & Mental Hygiene, Environmental Health Administration, Air Quality Programs, 201 W. Preston Street, Baltimore, Maryland 21201. ATTN: George P. Ferreri.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

For the transportation portions of the plans:

Public Information Center, Metropolitan Washington Council of Governments, 1225 Connecticut Avenue, N.W., Washington, D.C. 20036.

Regional Planning Council, 2225 North Charles Street, Baltimore, Maryland 21218.

All comments should be directed to:

Mr. Howard Heim, Chief, Air Programs Branch (3AH10), Air & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106. ATTN: AH300MD.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Vollberg (3AH11), U.S. Environmental Protection Agency, Region III, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone: 215-597-8179.

SUPPLEMENTARY INFORMATION:

Introduction

On March 3, 1978 (43 FR 8962 [1978]), and on September 12, 1978 (43 FR 40502 [1978]), the Administrator of the Environmental Protection Agency (EPA), in accordance with Section 107 of the Clean Air Act, as amended, designated the Maryland portion of the National Capital Interstate Air Quality Control Region (AQCR), the Metropolitan Baltimore Intrastate AQCR, and the Cumberland-Keyser Interstate AQCR as nonattainment areas for ozone and designated certain selected areas within these Air Quality Control Regions as nonattainment areas for particulate matter and carbon monoxide.

As a result, Maryland was obliged to revise its SIP by January 1, 1979 to meet the requirements of Part D of Title I of the Clean Air Act, as amended. The Governor of Maryland submitted the revised SIP on January 19, 1979.

On April 19, 1979 (44 FR 23263 [1979]), EPA published a Notice of Availability of the Maryland SIP revision and invited the public to inspect the plan. As of yet, no public comments have been received.

EPA has reviewed the SIP revision with respect to the requirements and criteria described or referenced in the **Federal Register** notice published on April 4, 1979 (44 FR 20372 [1979]). This notice to which interested persons may refer is entitled "State Implementation Plan; General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas," and is incorporated herein by reference.

The Maryland plan submitted to EPA on January 19, 1979 must be read in conjunction with earlier submittals published as final rules in the **Federal Register** on March 13, 1979 (44 FR 14555 [1979]). Some of the regulations in the January proposal refer to or depend for their meaning on earlier proposed regulations. Maryland has informed us that with regard to regulations concerning urban hydrocarbon emissions, there may be some conflict between earlier submittals, adopted as final regulations in the **Federal Register** on March 13, 1979 (44 FR 14555 [1979]). To the extent there is such a conflict, Maryland proposes the regulations submitted in January will govern; there may not, in fact, be any conflict, however, and Maryland will shortly clarify this question. Maryland will also provide a clear statement of the relation between the January submittal and the regulations published as final on March 13, 1979.

Background

In accordance with Section 110 and Part D of Title I of the Clean Air Act, the State of Maryland, on January 19, 1979, submitted revisions to its implementation plan for the designated nonattainment areas.

EPA designated the Metropolitan Baltimore Intrastate and the National Capital Interstate AQCR's as nonattainment areas for ozone. The high-density traffic areas of the two regions were designated as nonattainment areas for carbon monoxide.

A portion of the Metropolitan Baltimore Intrastate AQCR was designated as nonattainment for total suspended particulates (TSP). The Metropolitan Baltimore Intrastate AQCR is composed of Baltimore City and the counties of Anne Arundel, Baltimore, Carroll, Harford and Howard. The Maryland portion of the National Capital Interstate AQCR includes Montgomery and Prince Georges Counties.

In addition to the two major metropolitan areas, the Maryland portion of the Cumberland-Keyser Interstate AQCR also contains areas designated by EPA as nonattainment.

Hagerstown and Cumberland were both designated as nonattainment areas for carbon monoxide. The SIP for meeting the CO standard in these cities indicates that the Federal Motor Vehicle Control Program alone will be sufficient.

Election District No. 8 (Luke and Westernport) was designated nonattainment for TSP; however, no SIP revision was submitted for this area. The State has been in continuous dialogue with EPA concerning this designation and has requested that the area be considered as unclassified. EPA proposed changing the designation to unclassified on April 23, 1979 (44 FR 23885 [1979]).

Likewise, no revision was submitted for the Cumberland-Keyser AQCR which EPA designated as nonattainment for ozone. Here the State contends transported oxidants caused the air quality violations and that control measures would be ineffective in this predominantly rural area. Furthermore, the AQCR contains no major stationary sources of volatile organic compounds for which EPA control technology guidelines have been published. Therefore, no stationary source controls are necessary at this time. However, EPA has noted that new source review regulations in accordance with Section 173 of the Act are required but were not developed for Cumberland-Keyser AQCR.

In accordance with Section 174 of the Clean Air Act, designated local and regional agencies prepared portions of the SIP. The Metropolitan Washington Council of Governments (COG) was responsible for the transportation element of the SIP and the stationary source control development for the Washington area, while the Regional Planning Council (RPC) was responsible for the transportation elements for the Baltimore region. The Maryland Department of Transportation (MDOT) assisted the Section 174 agencies in preparing the transportation portions of the SIP, and in developing a motor vehicle inspection and maintenance (I/M) program. The Maryland Department of Health and Mental Hygiene developed the stationary source controls for the Baltimore area and coordinated the entire plan development.

For the Washington area transportation measures, COG obtained commitments from its member jurisdictions to implement the following measures by 1982: 1. Incentives for high occupancy vehicles such as park-and-ride lots, improved rail transit, carpooling, vanpooling, preferential parking for ridesharing vehicles, and bus service improvements; 2. Measures to reduce congestion-related emissions, including traffic flow improvements, on-street parking restrictions, reduction of extended idling, encouragement of bicycling, and residential parking permits.

In its examination of transportation measures for the Baltimore area, RPC selected thirteen measures for expeditious implementation. The affected local governments and State agencies have ratified the transportation portion of the SIP except for some reservations raised by Baltimore City concerning parking restrictions and by Harford County concerning the efficiency of a motor vehicle inspection/maintenance program. The Baltimore plan includes measures similar to those selected by COG for the Washington area as well as measures to reduce extended vehicle idling, promote effective land use management, and conduct a vigorous public education program.

Both the Washington and the Baltimore plans recommend the establishment of a vehicle emissions inspection/maintenance program. Enabling legislation for an I/M program was passed by the Maryland legislature on April 9, 1979, and signed into law by the Governor on May 30, 1979.

In this Notice, there are references to the terms "design value" and "rollback." To avoid confusion or misunderstanding, these terms are defined below:

Design Value—the level of existing air quality used as a basis for determining the amount of change of pollutant emissions necessary to attain a desired air quality level.

Rollback—a proportional model used to calculate the degree of improvement in ambient air quality needed for attainment of a national ambient air quality standard.

The following are the highlights of the changes made to the Maryland plan.

1. A State-wide regulation governing malfunction of control equipment has been revised to meet EPA requirements.

2. Regulations governing stationary sources in the two metropolitan areas have been revised to make them more specific for several industrial and commercial categories.

3. Emissions of volatile organic compounds, which are oxidant precursors, will be controlled by using applicable "reasonably available control technology" identified in EPA guidelines for controlling volatile organic compound emissions from stationary sources.

In addition to existing regulations, the following activities controlled by the new regulations are solvent metal cleaning, web printing, asphalt paving, solvent disposal and the coating of automobiles, cans, coils, fabrics, large appliances, light-duty trucks, metal furniture, paper and vinyl. In most instances, the regulations require the coating operations to switch to low-solvent coatings. Although EPA did not publish guidelines for the control of web printing, these operations will be required to control emissions as of July 1979 because of numerous complaints concerning odors and visible emissions from these sources.

4. A new regulation will affect new sources that wish to locate within the nonattainment areas. New sources emitting over fifty tons of particulates or volatile organic compounds will not be permitted unless several criteria are met. The new source must meet an emissions limitation specifying the "lowest achievable emission rate." The owner or operator of the new source must certify that other sources owned or operated by him are in compliance with regulations or are under an approved compliance schedule. In addition, emissions from existing sources must be reduced such that when the new source begins operation, reasonable further progress toward attainment of the particulate or ozone standard will be achieved. Before construction of a large source of volatile organic compounds begins, an analysis must be made of alternative sites, sizes, production processes and environmental control techniques. It must be demonstrated that the benefts of the source being constructed significantly outweigh the environmental and social costs of its construction.

5. With respect to carbon monoxide and ozone in the two metropolitan areas, attainment will not be achieved by 1982. Maryland reached this conclusion after first using a linear rollback model to determine from air quality data the percentage emission reductions of carbon monoxide and hydrocarbons from the base year emissions inventory necessary to achieve the NAAQS. These reductions were compared with the anticipated reductions from all contemplated control measures, and a shortfall was determined to exist; consequently, Maryland requested an extension until 1987 to attain standards. The CO standard should be achieved soon after the 1982 deadline as the result of the Federal Motor Vehicle Control Program and the Transportation Control Measures. EPA is considering the State request for an extension for attainment of both the carbon monoxide and ozone standard and will determine the final attainment dates based upon the State submitted support information. Major reductions in emissions of volatile organic compounds are to be accomplished through the enforcement of regulations requiring reasonably available control technology and through implementation of transportation measures now planned or under study for later implementation. The State will submit an amended SIP by July 1, 1982 demonstrating how final attainment of the two standards will be achieved. In the interim, the SIP calls for annual reports to be made to EPA containing updated air quality, regulatory, and emissions inventory information. If reasonable further progress is not being maintained or if attainment is jeopardized, corrective measures should be taken to insure attainment by the desired date.

6. The State proposes to achieve the reductions in particulate emissions needed to attain the primary TSP standard by December 31, 1982, through the application of all reasonably available control technology, the continued enforcement of existing regulations, and the development and enforcement of compliance plans negotiated as a result of the new regulations. There are new regulations included in the plan which will control fugitive particulate emissions from grain handling and unconfined sources by requiring good engineering design and operational practices.

On January 5, 1978, the State submitted to EPA a SIP revision which consisted of newly promulgated steel-making regulations and a compliance schedule for the Bethlehem Steel Corporation, Sparrows Point Plant. Amendments to the SIP revision, reflected in the compliance plan for the Bethlehem Steel Corporation, are to be submitted in the near future. When submitted, these will constitute part of the nonattainment SIP. The State has requested a delay until July 1, 1980, in accordance with Section 110(b) of the Clean Air Act, to plan for the attainment of the secondary NAAQS for TSP. EPA is considering granting the extension.

The following are more detailed comments on Maryland's plan submittals. This notice will indicate those items needing corrections or clarification.

Ozone

As noted above, EPA has designated three nonattainment areas for ozone in Maryland. These areas are the Maryland portion of the National Capital Interstate AQCR, the Metropolitan Baltimore Intrastate AQCR and the Cumberland-Keyser Interstate AQCR.

Plans were submitted for the two metropolitan nonattainment areas. However, a plan was not submitted for the Cumberland-Keyser Interstate AQCR, a rural nonattainment area. In lieu of a plan, Maryland included a statement that there were no major sources, within the eleven applicable VOC source categories, located in this area. While no source controls are required at this time for the Cumberland-Keyser AQCR, the State should adopt new source review provisions in accordance with Section 173 of the Clean Air Act.

The SIP for the two metropolitan areas contains provisions for controlling volatile organic compound (VOC) emissions from stationary and mobile sources. For ozone nonattainment areas, EPA requires the adoption of Reasonably Available Control Technology (RACT) for eleven VOC source categories for which there are Control Technique Guideline documents. Maryland regulates nine of these categories in the SIP. The Maryland SIP does not include regulations for surface coating for insulation of magnet wire and for petroleum refineries, because no sources above the RACT cutoff size within these categories are located in the nonattainment areas.

For a summary and review of the transportation controls included in the Maryland SIP, please refer to the Transportation Control Measures section below.

EPA has evaluated the State of Maryland SIP and has communicated the results of this analysis to the Maryland Department of Health and Mental Hygiene. A meeting attended by EPA, the Maryland Department of Health and Mental Hygiene, the Maryland Department of Transportation, the RPC and COG was held to discuss EPA's comments on the plan.

Presented in the following paragraphs is a discussion of the various elements of the SIP submitted (for attainment of the ozone standard) by the State of Maryland.

Adoption After Reasonable Notice and Hearing

Maryland adopted the regulations in its plan after public hearings on November 9, 21, and 27, 1978, conducted in accordance with Section 110 of the Clean Air Act, and 40 CFR 51.4.

Attainment Date

Maryland does not anticipate achieving the ozone standard by the end of 1982 for either of the metropolitan ozone nonattainment areas, and has requested an extension of the deadline for achieving this standard until the end of 1987. EPA may approve such a request provided Maryland demonstrates that attainment by 1982 is impossible, despite the implementation of RACT for the VOC stationary source categories and the implementation of transportation control measures, including a motor vehicle inspection and maintenance program (I/M). Deficiencies in Maryland's RACT requirements for some categories of VOC sources exist. Maryland is proceeding to remedy these deficiencies, in accordance with EPA guidance.

Control Strategy and Demonstration of Attainment

The Maryland SIP was developed on the basis of the former 0.08 ppm oxidant standard. A commitment to attain the ozone standard by 1987 was provided.

Emission Inventory

Maryland has submitted a 1977 stationary source emission inventory for the Metropolitan Baltimore AQCR. The emission inventory used for the National Capital region was for 1976. The State should provide a 1977 inventory for the National Capital region, in accordance with EPA guidance and to be consistent with the adjacent jurisdictions in the region.

Reasonable Further Progress (RFP)

The RFP presentation in the plan used 6 am–9 am emissions instead of daily (24 hours) values in determining the required ozone reductions. This is deficient because the percent contribution of mobile and stationary sources is different in daily and 6 am–9 am calculations. Background data, including all calculations performed in developing the RFP, were not submitted with the plan. For future emissions from gasoline marketing facilities, Maryland assumed them to be constant in the Baltimore area. The emissions in this category should increase with growth.

EPA asked Maryland to recalculate emissions using daily values, to reassess the gasoline marketing growth assumptions, and to submit these with the relevant background data. Maryland has since provided necessary information to address the above concerns.

Margin for Growth

Maryland has adequately addressed growth factors and estimates.

Preconstruction Review

The growth of major point sources will be governed by pre-construction review regulations. These regulations should meet the requirements of Section 173, a new section of the Clean Air Act. EPA has informed Maryland of its comments on the ozone, carbon monoxide, and the total suspended particulate provisions. See the discussion of total suspended particulates below, applies equally to ozone and carbon monoxide.

RACT as Expeditiously as Practicable

Several sections of the regulations requiring the use of RACT for stationary sources of VOC emissions should be improved. The Control Techniques Guidance (CTG) documents provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes that the submitted regulations represent RACT, except as noted below. On the points noted below, the State regulations are not supported by the information in the CTGs, and the State must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTGs. (1) The vapor recovery provisions in Section J(2) of the Maryland regulations do not represent full application of RACT. However, EPA had previously promulgated regulations (38 FR 34252 [1973] and as subsequently amended) which in conjunction with Maryland's rules, are considered to be RACT. In EPA's opinion, it would be preferable for the State to adopt regulations in accordance with the EPA promulgation. (2) Maryland Regulation Section K(10)(c) includes a temperature exemption for use of cutback asphalt. A seasonal exemption is recommended by EPA, for ease of enforcement. In discussion with Maryland, the State indicated that it intends to justify the temperature exemption and the Regulation's enforceability for both public and private uses. If EPA judges that Maryland's Regulation is enforceable, then the Cutback Asphalt Regulation will be acceptable. (3) In the Gasoline Bulk Terminal Regulation [Section J(2)(c)], the cutoff size for terminals built before January 1, 1974 is 40,000 gallons per day instead of 20,000 gallons per day the figure recommended by EPA. Maryland has stated there are no sources in Maryland which fall between these limits and will document this statement. (4) Maryland's cutoff size for fixed-roof storage tanks built January 1, 1973 is 65,000 gallons capacity; EPA's cutoff figure is 40,000 gallons. Maryland has agreed to review this regulation to see if any sources fall between these limits, and to inform EPA of the results of this review in writing. (5) Maryland's State Implementation Plan includes a provision which exempts methyl chloroform (1, 1, 1 trichloroethane) from the definition of "organic material." This volatile organic compound, while not appreciably affecting ambient ozone levels, is potentially harmful. Methyl chloroform has been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity. Furthermore, methyl chloroform is considered one of the slower reacting VOCs which eventually migrates to the stratosphere where it is suspected of contributing to the depletion of the ozone layer. Since stratospheric ozone is the principal absorber of ultraviolet light (UV), the depletion could lead to an increase of UV penetration resulting in a worldwide increase in skin cancer. With the exemption of this compound, some sources, particularly existing degreasers, will be encouraged to utilize methyl chloroform in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding that of other solvents. Endorsing the use of methyl chloroform by exempting it in the SIP can only further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources. EPA is concerned that the State has chosen this course of action without full consideration of the total environmental and health implications. EPA does not intend to disapprove the State SIP submittal if, after due consideration, the State chooses to maintain this exemption. However, we are concerned that this policy not be interpreted as encouraging the increased use of this compound for compliance by substitution. EPA does not endorse such approaches. Furthermore, State officials and sources should be advised that there is a strong possibility of future regulatory action to control this compound. Sources which choose to comply by substitution may well be required to install control systems when future regulatory actions are taken.

I/M, If Necessary, As Expeditiously as Practicable

I/M programs are required in the two metropolitan ozone nonattainment areas. Maryland has proposed an acceptable commitment to implement I/M in these areas and authorizing legislation was signed by the Governor on May 30, 1979. For further information on I/M, refer to the Transportation Control Measures section below.

Transportation Controls, If Necessary, As Expeditiously As Practicable

This topic is covered in the Transportation Control Measures section below.

Enforceability

EPA has the following concerns: (1) Section J(2) should include a definition for "household reactive solvent." (2) The following sections of Maryland's VOC regulations should include a test method for determining compliance with the requirement for 90% collection efficiency: K(2)(b)(iii)(bb), K(3)(b)(ii)(bb), K(4)(b)(ii)(bb), K(5)(b)(ii)(bb), K(6)(b)(ii)(bb), and K(7)(b)(ii)(bb). (3) Generally, EPA does not consider a compliance schedule longer than three years to be expeditious. Several of Maryland's VOC regulations contain a final compliance date beyond July 1982. These compliance schedules should be justified by Maryland as expeditious. (4) Maryland Regulation, [Section K(9)] covering web printing operations will become effective July 1, 1979. When dealing with compliance orders on a case-by-case basis, noncompliance penalties under Section 120 of the Clean Air Act may be applicable to those sources not in compliance by the penalty date specified in the Act. Since sources may be unable to comply with regulations when they become effective, compliance schedules should be included in the regulations to eliminate this problem.

The points listed above should be clarified or revised to enhance the enforceability of the regulations. If regulations are not enforceable, credit cannot be taken for reductions in emissions achieved through implementation of those regulations.

State Commitments and Resources to Implement and Enforce Adopted Measures

The State of Maryland has made an adequate commitment to implement the Maryland regulations in the SIP. However, since the control strategy demonstration depends in part upon EPA-promulgated regulations, EPA recommends that Maryland commit to adopt equivalent State regulations.

State Commitments to Comply With Schedules

EPA has published and will be issuing additional Control Techniques Guideline documents for the control of stationary source categories of VOC's. The State of Maryland has adequately committed itself to develop regulations for all appropriate stationary source categories of VOC subsequent to EPA's issuance of these guidance documents.

Public Involvement and Analysis of Effects

The Metropolitan Washington Council of Government and the Regional Planning Council, both regional planning agencies, assisted Maryland in developing the SIP. These agencies and the State of Maryland provided an acceptable public involvement program.

Transportation Control Measures (For Ozone and Carbon Monoxide) Area Profiles and Commitments

As a result of the ozone and carbon monoxide non-attainment designations described in the introduction of this Notice, a process of consultation among affected local governments lead the then Acting Governor to designate, on March 23, 1978, the Section 174 agencies. These are the Metropolitan Washington Council of Governments for the Maryland portion of the National Capital Interstate Air Quality Control Region and the Regional Planning Council for the Metropolitan Baltimore Intrastate Air Quality Control Region.

National Capital Area

In fulfillment of its responsibilities, COG produced a document dated November 29, 1978 entitled "Washington Metropolitan Air Quality Plan for the Control of Photo-chemical Oxidants and Carbon Monoxide." After notice and public hearing, a final draft of this document was incorporated into the National Capital portion or the Maryland SIP.

COG, using the 1976 emissions inventory and an ozone design value of 0.225 ppm, calculated 64% to be the amount of emissions reduction of volatile organic compounds needed to meet the former 0.08 ppm photochemical oxidant standard in the National Capital area. Despite the application of reasonably available control measures, including the Federal Motor Vehicle Control Program, RACT on the applicable stationary sources, and transportation control measures, the plan estimates that by the end of 1982, there will only be a 24% reduction of emissions instead of the needed 64%.

For carbon monoxide, using its emission inventory, COG conducted an analysis of "hot spots" as well as regionwide emissions. COG concluded from the analysis that the eight-hour CO standard could not be met in 1982.

Thus, for both carbon monoxide and ozone, Maryland requested an extension of the 1982 attainment deadline. Approval of such an extension will necessitate a schedule for the implementation of an inspection and maintenance program for motor vehicles; for the implementation of currently planned transportation control measures; and for the analysis, selection, and adoption of additional appropriate transportation control measures.

This plan was developed using the 0.08 ppm oxidant standard and is subject to revision using the new 0.12 ppm statistical ozone standard promulgated on February 8, 1979. This reassessment, to be done in the 1982 SIP submittal, may alter the amount of emission reduction needed for attainment of the ozone standard.

In preparing the plan, COG recommended 28 transportation measures to the local governments as appropriate for consideration in the 1979 SIP submittal. These measures were selected from an initial list of 70 measures identified as having potential for reducing transportation related emissions.

COG has proposed an analysis of alternatives (of transportation measures), for which it has been funded under Section 175 of the Clean Air Act, to reassess all 70 of the measures for consideration for possible inclusion in the SIP.

Except for the City of Takoma Park, commitments made by local governments in Montgomery and Prince Georges Counties toward the 28 measures recommended are detailed in Appendix "E" of the COG plan. Notable among the commitments are the endorsements for affirmative actions toward the implementation of transportation measures made by the remaining jurisdictions in the following seventeen categories of transportation measures:

1. Continue construction of Metrorail (completion of the present committed 60 miles); endorsed by Montgomery County, Prince Georges County and City of Rockville.

2. Eliminate all day on-street, non-residential parking where appropriate; endorsed by Montgomery County and Prince Georges County.

3. Provide fringe parking lots at selected locations; endorsed by Montgomery County, the City of Gaithersburg, the City of Bowie and Prince Georges County.

4. Provide fringe parking to accomodate deficiencies at Metro stations; endorsed by Montgomery and Prince Georges Counties.

5. Implement carpools and vanpools in both the public and private sectors; endorsed by Montgomery County and the City of Bowie.

6. Reserve convenient parking spaces for carpools/vanpools endorsed by Montgomery County and Prince Georges County.

7. Build additional bicycle lanes and bikeways; endorsed by Montgomery County, the City of Gaithersburg, the City of Bowie, the City of Greenbelt, the City of Rockville and Prince Georges County.

8. Provide and improve regional and local ride-sharing activities; endorsed by Montgomery County and the City of Bowie.

9. Implement fixed route minibus or semi-demand responsive transit; endorsed by Montgomery County, the City of Gaithersburg and the City of Greenbelt.

10. Install additional bicycle storage facilities; endorsed by Montgomery County.

11. Encourage specialized bus service; endorsed by Montgomery County and Prince Georges County.

12. Include Metrobus information with carpool/vanpool information; endorsed by Montgomery County.

13. Develop a coordinated private and public sector parking management policy; endorsed by Montgomery and Prince Georges Counties

14. Provide additional pedestrian facilities and eliminate barriers to pedestrians; endorsed by Montgomery County, the City of Gaithersburg, the City of Rockville, Prince Georges County and the City of Greenbelt.

15. Improve signalization in the region; endorsed by Montgomery County, the City of Gaithersburg and Prince Georges County.

16. Encourage staggered or flexible work hours for the public and private sectors; endorsed by Prince Georges County.

17. Encourage additional corridor studies implementing Transportation System Management elements; endorsed by Montgomery County.

More clarification and justification for the process of selecting or rejecting transportation control measures should be provided. EPA will concur in the rejection of any measure when sufficient evidence is provided justifying such action.

Metropolitan Baltimore Area

As a result of the work program negotiated by the appropriate State agencies, the Regional Planning Council produced a four-volume document entitled "Transportation Control Plan for the Baltimore Region." This plan was transmitted to the then Acting Governor on September 29, 1978 and after notice and public hearing, was incorporated into the Maryland SIP.

Based upon a 1977 emissions inventory provided by Maryland Air Quality Programs and a design value of 0.24 ppm, the Baltimore plan indicated a 67% reduction in volatile organic compound emissions is necessary to meet the former 0.08 ppm oxidant standard. Despite the application of the Federal Motor Vehicle Control Program, RACT on applicable stationary sources, and committed transportation measures, the plan states that the oxidant standard would not be attained by 1982.

For carbon monoxide, using a 1977 emissions inventory provided by Maryland Air Quality Programs and rollback techniques, the plan shows a 29% reduction is necessary to achieve the NAAQS for CO in the Baltimore Central Business District. The plan anticipates that attainment of the CO standard will not occur until 1983.

An extension of the 1982 attainment deadline accordingly has been requested for both ozone and carbon monoxide in the Metropolitan Baltimore Intrastate AQCR, and Maryland has undertaken the concomitant I/M program for motor vehicles as well as the further analysis and implementation of the transportation control measures.

The RPC plan contained a candidate list of twenty eight transportation measures, developed through public and intergovernmental consultation. These measures are described in Volume Two of the plan; commitments to the transportation portion of the plan are detailed in Volume Four. Twelve of the transportation measures are those to be implemented in the near term:

1. *Park-and-Ride Lots.* To the extent funding sources allow, construct 21 park-and-ride lots included in the Transportation Improvement Program for 1978-1981.

Maryland Department of Transportation (MDOT) is committed to construct 300 new park-and-ride spaces per year through 1982.

2. *Improved Rail Transit.* MDOT will construct a rapid-transit line from the Baltimore Central Business District to Reisterstown Road.

MDOT will rehabilitate stations, locomotives and coaches to improve rail service to Washington, D.C. along the Baltimore & Ohio Railroad Lines through Baltimore and Howard Counties.

3. *Carpooling.* Computeride, the Baltimore region's carpool program will attempt to form 1500 new carpools annually through increased public awareness, employer incentives, and carpool matching programs.

4. *Vanpooling.* Vango Inc., the corporation responsible for implementing the vanpool program in Baltimore, will attempt to form at least 50 new vanpools annually.

5. *Preferential Parking for Ridesharing.* The City of Baltimore has agreed to commit 35% of the available off-street parking spaces for carpools with no fewer than 300 spaces available at any one time.

6. *Bus Service Improvements.* MDOT will purchase new buses, and will provide additional maintenance and new bus shelters.

7. *Inspection and Maintenance. Implement an I/M program.*

8. *Traffic Flow Improvements.* Improve signalization in Anne Arundel County, Baltimore City and Baltimore County, and implement other traffic flow improvements to reduce extended idling including the Maryland right-turn-on-red law.

9. *Bicycle Right of Way.* Construct bikeway safety projects.

10. *Residential Permit Parking Program.* Establish a pilot residential permit parking program in the Oakenshawe neighborhood of Baltimore City.

11. *Land Use Management.* Incorporate the following measures into the plan:

A. Maryland Agricultural Land Preservation Program;

B. Anne Arundel County Growth Management Ordinance, Title 13 of Anne Arundel County Code;

C. Baltimore County Bill, No. 12–77;

D. Carroll County Zoning Ordinance Text, Amendment T–43.

12. *Public Education Campaign.* An information program for the widespread dissemination of information promoting air quality control measures has been proposed for funding as authorized by Section 175 of the Clean Air Act.

The only measure of the 28 not included in the submittal was fuel rationing, which the Maryland plan states would be considered only in the regional context of a national program. EPA believes this is an adequate justification for not analyzing the measure at this time. RPC is committed to examining the remaining

transportation measures, incuding the measures in Section 108(f) of the Clean Air Act, during the alternatives analysis.

All County jurisdictions in the region ratified the transportation portion of the plan for the Metropolitan Baltimore area. However, two jusisdictions had qualifying statements on their endorsement. The Baltimore City Council endorsed the plan and proposed control measures except for the on-street parking restrictions as they apply to Baltimore City. The Harford County Council did not endorse the proposd Motor Vehicle Inspection and Maintenance Program.

General Evaluation of Transportation Control Measures

In reviewing the transportation control components of the Maryland SIP, EPA solicited comments from the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Transportation (DOT).

Comments from HUD to EPA pertained only to the Maryland portion of the National Capital region. In general these comments supported the transporatation control measures as consistent with the objectives of the National Urban Policy.

DOT submitted comments concerning the substance of the plans and the compatibility of scheduling, funding, and implementation of proposed transportation control measures with other ongoing transportation programs. EPA will evaluate these comments along with others before taking final action on the proposed SIP revision.

Presented in the following paragraphs are additional major comments resulting from a general evaluation of both the COG and RPC plans.

1. The designation of the nonattainment areas for ozone is adequate. The definition of the carbon monoxide nonattainment areas of high traffic density in Montgomery, Prince George County, and Baltimore City has been changed as is now specified in a Notice of Proposed Rulemaking published in the **Federal Register** on April 23, 1979 (44 FR 2388 [1979]). EPA does not anticipate that this proposed refinement in the geographic nonattainment areas will affect the outcome of the control strategy demonstrations performed for the 1979 submittal.

2. The hydrocarbon and carbon monoxide mobile source emission inventories used for the Baltimore and Maryland National Capital submittals are adequate.

3. The estimates of emission reduction necessary for attainment of the carbon monoxide and ozone standards described in the plan profiles are adequate in the documentation of assumptions. Growth and modelling procedures demonstrate, that the NAAQS cannot be attained by 1982, in a satisfactory manner.

4. The documentation of the designation process for the certification of COG and RPC as lead planning agencies under Section 174 is adequate. The then Acting Governor of Maryland also designated the National Capital Air Quality Planning Committee of COG as the agency with the lead responsibility for the development of the stationary source plan for photochemical oxidants and carbon monoxide in the Maryland portion of the National Capital Interstate AQCR. The Maryland Department of Health and Mental Hygiene, Air Quality Programs, is the agency responsible for the stationary source portion of the plan in the Metropolitan Baltimore Intrastate AQCR, and is also responsible for overall coordination of the SIP submittal.

5. The identification of tasks and responsibilities for agencies participating in the development of these nonattainment plans is generally adequate. However, the submittals lack a clear description of the project programming process in Maryland and the criteria used for determining conformity of transportation plans and projects with air quality requirements. On May 14, 1979, RPC submitted to EPA an outline of a technical report to be written describing the Maryland project programming process. This is to be forwarded to EPA as supplemental information. Criteria for determining conformity must be developed in accordance with forthcoming DOT and EPA guidance on the subject.

6. The COG Air Quality Plan included an outline for the development of a program for alternatives analysis. The Metropolitan Washington Council of Governments received a Section 175 grant from the Urban Mass Transportation Administration on March 30, 1979, to develop a work program for this comprehensive analysis, and for the completion of the initial tasks necessary for this work. An amendment, to the COG FY 1980 Unified Planning Work Program, detailing the task schedule for the alternatives analysis is anticipated by September 1979. EPA and DOT will review this when submitted.

RPC submitted a detailed work program for the alternatives analysis as part of its Unified Planning Work Program for Fiscal Year 1980. This material is currently being reviewed by EPA and DOT. The work programs are required to ensure the further development of the ozone attainment plan, to be submitted in 1982.

7. A synopsis of the reasonably available transportation measures slated for adoption were portrayed in the Maryland National Capital and Baltimore Area Profiles, above. The details are presented in Appendix "E" of the COG Air Quality Plan and Volume 4 of the Metropolitan Baltimore transportation portion of the plan. These are adequate as the initial steps in the implementation of the transportation measures in the plan. The measures in the plan must include schedules, including interim milestones and commitments by responsible agencies to implement needed measures.

8. Commitments to justify decisions for the nonadoption of measures including difficult to implement, but reasonably available, measures have been made a task item in the Unified Planning Work Programs for both metropolitan areas. The justifications are to be included in the forthcoming alternatives analysis.

9. The process for public interest group and elected official consultation in these plans has been exemplary. In the COG Air Quality Plan and the RPC Transportation Control Plan, interest groups were identified, urged to participate, informed of developments, and requested to comment on drafts of transportation plan proposals. The RPC and COG staffs spent considerable time in consultation with locally elected officials during the plan development and in solicitation of commitments for the plans.

The designated agencies, RPC and COG, made extensive use of their existing committee structures. COG established a steering committee to coordinate the development of the air quality plan. In addition to the committee structure of RPC, a Regional Air Quality Task Force was established that included representatives from government, industry, interest groups, and the public. Public workshops were conducted during the development of both plans.

10. A full identification of financial and other resources necessary to carry out the analysis of alternatives will be accomplished when EPA and DOT complete the review of the Unified Planning Work Program applications for the Urban Air Quality Planning Grants.

11. Public hearings were conducted in accordance with Section 110 of the Clean Air Act and 40 CFR 51.4, in the Maryland portion of the National

Capital Interstate AQCR on October 26, 1978 and November 27, 1978, and in the Metropolitan Baltimore Intrastate AQCR on November 21, 1978.

12. Provisions for reporting progress have been included in the RPC Unified Planning Work Program for alternatives analysis that is currently being reviewed by EPA and DOT. COG, in its Air Quality Plan outlined provisions for reporting progress, and these are to be detailed when the work program for the alternatives analysis is submitted to EPA and DOT. Maryland Air Quality Programs is responsible for submitting reports documenting annual incremental emission reductions to demonstrate Reasonable Further Progress. In addition to providing information for these RFP reports, the Section 175 grants will require quarterly reports to be submitted to EPA and the Urban Mass Transportation Administration. This reporting is necessary to determine progress toward attainment.

13. Enabling legislation for a program of motor vehicle inspection and maintenance (Senate Bill 751) passed the Maryland Legislature on April 9, 1979. This bill was signed into law on May 30, 1979, and provides for the commencement of a voluntary I/M program in January 1981, and a mandatory program by January 1, 1982. This will be implemented by regulations and procedures to be proposed by the State on or before October 1, 1979. EPA finds the enabling legislation to be generally adequate, if a comprehensive and detailed regulatory program for the implementation of the I/M program is developed in accordance with the law. The State has made very good progress to date on I/M and is currently working to develop the specific elements of its program including regulations. The I/M portion of the state's SIP, however, does not currently contain an implementation schedule with dates for key interim events specified in EPA's guidance, which is required to make this portion of the plan adequate. The SIP also should include a commitment to require retesting of vehicles initially failing the annual emissions test, along with a commitment to prohibit registration or provide some equally effective mechanism to prevent vehicles not complying with applicable emission requirements from operating on public roads. Finally, the SIP should also include a commitment to the development of I/M emission standards designed to result in 25% reductions in light-duty vehicle exhaust emissions by December 31, 1987.

14. The required commitment to use available grants and funds which will improve public transportation for basic transportation needs appears to be met through the administration of grants by the operating transit agencies in the Baltimore and National Capital metropolitan areas. Notably, the approval of the amended capital assistance grant by DOT on September 29, 1978, for the Washington Metropolitan Area Transit Authority and the commitments made by Maryland in the Interim Capital Contribution Agreement will facilitate the completion of the 60-mile portion of the Metrorail transportation system called for in the plan.

Commitments are also made to transportation needs by the Secretary of the Maryland Department of Transportation on behalf of the Mass Transit Administration, the operating agency for the Metropolitan Baltimore area. These commitments appear adequate at this time.

15. As previously stated, the Unified Planning Work Programs for COG and RPC have subsequently been modified to include air quality planning activities. The COG plan contained a schedule for this modification. RPC submitted a schedule to EPA as supplementary information to its plan on January 30, 1979.

16. The emission reduction estimates are reasonable for the adopted transportation measures.

17. The analysis of economic, environmental, energy, social and welfare effects of the COG and RPC plans is adequate, although cursory, and the opportunity for public comment was provided. However, EPA is requesting that COG and RPC develop an analytical method for assessing these impacts in the alternatives analysis.

18. EPA in its review was concerned about the commitment to the prioritization of projects in the Transportation Improvement Program. A commitment to implement transportation improvements in the Baltimore region for Fiscal Year 1979 was made by the Secretary of the Maryland Department of Transportation. A prioritization of projects in the Maryland National Capital was identified but no commitment for their implementation was made.

Hagerstown and Cumberland (For Carbon Monoxide)

Based on a 1976 emission inventory provided by Maryland Air Quality Programs, the plan estimates a 9% reduction is necessary to meet the 8-hour standard for carbon monoxide in both of these municipalities. Projected emission reductions resulting from implementation of the Federal Motor Vehicle Control Program (FMVCP) by 1982 are 20% for Cumberland and 27% for Hagerstown. EPA requested that Maryland include in its submittal reasonable further progress lines to ensure expeditious attainment of carbon monoxide standards in these two communities. The State submitted these added materials on May 25, 1979, and EPA is reviewing them.

Total Suspended Particulates (TSP)

Description of Submittal

In response to the nonattainment area designations and the requirements of the Clean Air Act as amended, the State of Maryland submitted a revised implementation plan for total suspended particulates (TSP) on January 19, 1979. The plan submitted was designed to attain the primary TSP standard by December 31, 1982, the required attainment date. The State of Maryland has requested an eighteen-month extension to develop a plan to attain the secondary standard for TSP. The State believes that application of RACT above would not allow attainment of the Secondary standards and that fugitive control will also be necessary. Maryland therefore has requested this extension to complete analyses of fugitive dust control measures for non-traditional sources.

The TSP Plan submitted by the State of Maryland on January 19, 1979, included an emissions inventory, a diffusion modeling demonstration, a package of amended regulations, a commitment to an annual incremental reduction in particulate emissions, as well as a commitment and proposal for further study and subsequent adoption of fugitive particulate regulations.

The EPA has reviewed the TSP implementation plan and identified several concerns and questions summarized below. These were discussed with the State, at a meeting on May 7, 1979.

Adoption After Reasonable Notice and Hearing

The State of Maryland held public hearings on the provisions of the SIP on November 21, 1979. The regulations have been promulgated by Maryland following procedures in accordance with the requirements of 40 CFR 51.4

Control Strategy and Demonstration of Attainment

The State submittal contains a diffusion modeling analysis as the basis for demonstrating attainment of the

primary TSP standard. Further, the State clearly demonstrated that a significant contributor to TSP nonattainment is fugitive particulate matter. EPA notes that the model overpredicted pollutant concentrations. Therefore, the State was notified that certain estimates of emission reductions appear too large. This may be the cause of the overprediction. EPA has requested that any appropriate corrections to the emission inventories be made along with subsequent correction of the predicted pollutant concentrations. Maryland has agreed to review the emission inventory and perform a sensitivity analysis of the changed emissions. EPA will review this information when submitted. The State has been asked to submit a more detailed description and a schedule of the work to study and define controls for non-traditional fugitive particulate emissions.

Emission Inventory

The plan submittal presented emission inventories for 1977 and 1982. EPA in a limited review of the inventory identified some discrepancies between EPA-estimated emissions and the SIP values. These were noted and the State was requested to reassess the inventory for accuracy. The State agreed to do so.

Reasonable Further Progress

An adequate presentation of Reasonable Further Progress for TSP was included in the revised SIP.

Margin For Growth

The State has accommodated area source growth by incorporating growth factors in the emission projections used in the attainment demonstration. Growth of major point sources will be accommodated by a case-by-case emission offset provision. EPA in its review found some inconsistencies in the narrative and charts reflecting the development of the growth factors used by the State of Maryland. The State has noted the differences and is making the appropriate corrections.

Reasonably Available Control Technology (RACT)

The plan requires the application of RACT in the primary standard nonattainment area. The State has shown that attainment of the secondary standard would require application of controls more stringent than RACT. Maryland has accordingly requested an eighteen-month extension for plan development, during which time it will identify the mix of traditional RACT and fugitive controls needed for attainment.

Pre-Construction Review

The growth of major point sources will be accommodated by the pre-construction review regulations in the implementation plan. Section 173, a new section of the Clean Air Act, defines the requirements for such regulations. The Maryland regulations, however, do not provide for a review of sources undergoing major modifications. The State has agreed to correct this omission. The method of enforcement of the offset provision is vague. Maryland informed EPA that the enforcement tool would be the operating permit conditions. More clarification is desired concerning the permit mechanism to be used to obtain and enforce the offsets. The Maryland regulation also requires that actual future emissions are to be offset against present allowable emissions, which the State feels may better ensure an air quality benefit. The Act requires that allowable future emissions be offset against allowable present emissions. EPA is reviewing the State's position to determine if it is consistent with the Clean Air Act. Finally, EPA noted that a condition of the Maryland offset provision requires continued further progress on an annual basis. It was not clear how sources which operate on a seasonal basis would be reviewed to assure attainment of the standards. Maryland states that it would examine the short-term emissions limits as well as annual emissions in granting a permit to a source; the most restrictive limit would govern. Such a procedure would satisfy EPA's concern.

Provisions controlling new sources of carbon monoxide must be added for the portions of the State designated as nonattainment areas for carbon monoxide.

Enforceability

EPA, in its comments on the proposed Maryland Plan, has recommended several changes in the regulation language which will enhance the enforceability of the regulations. These relate to the definition of "Total Operating Capacity" for grain drying equipment; the timetable for installing control technology in Regulation 10.18.05.03(d)(5); and the control technology and testing procedures required by the iron and steel industry regulations. With regard to the test procedure, EPA Method 9 was not originally intended for determining visible emissions from fugitive emission points; EPA and the State have agreed to develop a more appropriate test procedure.

Summary of Major Issues

The following is a summary of EPA's concerns:

1. New Source Provisions for the Cumberland-Keyser AQCR and for the carbon monoxide nonattainment areas in the State should be developed and incorporated into the SIP.

2. Test methods are required to determine compliance with the 90% VOC vapor collection efficiency requirement in Section K(2) through K(7) of the Maryland regulations.

3. The compliance plan for the Bethlehem Steel Sparrows Point plant should be submitted and incorporated into the SIP.

General Comments

Section 172(b)[9] of the Act requires an identification and analysis of air quality, health, welfare, economic, energy and social effects of the plan provisions required by Section 172 and a summary of the public comment on such analysis. EPA has noted that this analysis is adequate at this time for the ozone plan; however, a more thorough analysis is to be done in preparing the plan to be sumitted by July 1, 1982. For the total suspended particulate plan, EPA has notified Maryland that such an analysis was not included in the submitted plan. The State informed EPA that Appendix G of the plan contains the economic portion of the required analysis and that it will supplement the Appendix with the remaining information required by Section 172.

Conclusion

The measures proposed today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations of any source will remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while it is moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of non-compliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exceptions to this rule are cases where there are conflicts between the requirements of the new regulations and the requirements of the existing regulations such that it would be

impossible for sources to comply with the new regulations. In these situations, the State may exempt sources from compliance with the pre-existing regulations. Any exemption granted would be reviewed and acted on by EPA either as part of these proposed regulations or as future SIP revisions.

The public is invited to submit to the address stated above comments on whether the proposed amendments to the Maryland air pollution regulations should be approved as a revision of the Maryland State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination of whether the amendments meet the requirements of Part D and Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

A supplement to an April 4, 1979 Notice of Proposed Rulemaking (44 FR 20372 [1979]) was published on July 2, 1979 (44 FR 38583 [1979]) involving, among other things, conditional approval. EPA proposes to approve conditionally the plan where there are minor deficiencies and the State provides assurances that it will submit corrections on a specified schedule. This Notice solicits comment on what items should be conditionally approved. A conditional approval will mean that the restrictions on new major source construction will not apply unless, (1) the State fails to submit, by dates to be scheduled, SIP revisions necessary to remedy the deficiencies or (2) the revisions are not approved by EPA.

The deficiencies in the Maryland Plan that are not corrected may be cause for disapproval of the proposed revisions to the SIP. EPA is aware, however, that the State is undertaking efforts to rectify plan deficiencies.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7401–7642).

Dated: July 27, 1979.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 79–23786 Filed 7–31–79; 8:45 am]

BILLING CODE 6560–01–M

[40 CFR Part 52]

[FRL 1286–7]

Implementation Plan Revision for a Nonattainment Area in the State of Arizona; Receipt/Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt and Availability.

SUMMARY: The purpose of this notice is to announce receipt of a revision to the Arizona State Implementation Plan (SIP) and to invite public comment. A revision to the Nonattainment Area Plan (NAP) for the Maricopa County Urban Planning Area has been received from the Arizona State Department of Health Services. This revision was submitted to EPA in accordance with the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas," and is available for public inspection at the addresses below. A notice of proposed rulemaking discussing this revision will be published in the **Federal Register** at a later date. The period for submittal of public comments will end not less than 60 days from this date and not less than 30 days from the published date of EPA's Notice of Proposed Rulemaking.

ADDRESSES: Copies of the SIP revisions are available for inspectionduring normal business hours at the following locations:

Library, Environmental Protection Agency, Region IX, 215 Fremont Street San Francisco CA 94105.

Public Information Reference Unit, Environmental Protection Agency, 401 "M" Street, S.W., Room 2404, Washington, D.C. 20460.

Arizona State Department of Health Services, 1740 West Adams Street, Phoenix AZ 85007.

Maricopa Association of Governments 1820 West Washington, Phoenix AZ 85007.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street , San Francisco CA 94105, (415) 556–2938.

SUPPLEMENTARY INFORMATION: New provisions of the Clean Air Act, enacted in August 1977, Public Law No. 95–95, require states to revise their SIP's for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the NAAQS attainment status for all areas within the state. The Administrator promulgated these lists, with certain modifications, on March 3, 1978 (43 FR 8962), March 19, 1979 (44 FR 16388) and April 10, 1979 (44 FR 21261). State and local governments were required by January 2, 1979 to develop, adopt, and submit to EPA revisions to their SIP's which provide for attainment of the NAAQS as expeditiously as practicable. The Maricopa County Nonattainment Area has been designated nonattainment for carbon monoxide, photochemical oxidants (ozone), and total suspended particulates.

The Governor's designee submitted a revision to the Maricopa County Urban Planning Area NAP for Carbon Monoxide and Photochemical Oxidants to EPA on July 3, 1979. The initial NAP for Maricopa County was submitted on February 23, 1979 and a notice of proposed rulemaking was published on June 11, 1979 in the **Federal Register** for that portion.

EPA is reviewing this revision for conformance with the requirements of Part D of the Clean Air Act, as amended. Following EPA's review of the revision, a notice of proposed rulemaking will be published in the **Federal Register** that will provide a description of the proposed SIP revisions, summarize the Part D requirements, identify the major issues in the proposed revisions, and suggest corrections. An additional 30 days will be provided for public comments at that time

The intent of this notice is to notify the public that this revision has been formally submitted to EPA for approval, that it is available for public inspection, and that interested persons are encouraged to submit written comments.

Authority: Sections 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. §§ 7410, 7429, 7501 to 7508, and 7601(a)).

Dated: July 20, 1979.

Clyde B. Eller

Acting Regional Administrator.

[FR Doc. 23802 Filed 7–31–79; 8:45 am]

BILLING CODE 6560–01–M

[40 CFR Part 52]

[FRL 1288-2]

Approval and Promulgation of Implementation Plans; Texas Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This action proposes approval/disapproval of various revisions to the Texas State Implementation Plan (SIP). The revisions were submitted by the Governor to fulfill the requirements of the Clean Air Act, as amended in August 1977 (the Act), for attainment and maintenance of National Ambient Air Quality Standards. The revisions being acted on today are those relating to the plan requirements for nonattainment areas (Part D of the Act) and include control requirements for hydrocarbons, carbon monoxide, and particulate matter. In reviewing the State submittal, EPA assessed the ability of the plan to meet the requirements of Part D.

While the plan meets the Part D requirements in many respects, there are several deficiencies that the State needs to address before the full SIP approval can be granted by the Administrator of EPA.

DATES: Interested persons are invited to submit comments on this proposed action on or before August 30, 1979.

ADDRESSES: Written comments should be submitted to the address below:

Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, Attn: Jerry Stubberfield.

Copies of the State's submittal are available for inspection during normal business hours at the address above and at the following locations:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, S.W., Washington, D.C. 20460.

Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

FOR FURTHER INFORMATION CONTACT: Jerry Stubberfield, Chief, Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: Provisions of the 1977 Clean Air Act Amendments (the Act) requires States to revise their State Implementation Plans (SIPs) for all areas that have been designated as not attaining the National Ambient Air Quality Standards (NAAQS). The Act requires that States submit the necessary plan revisions to the EPA by January 1, 1979. The requirements for an approvable SIP are described in a general preamble published in the April 4, 1979, **Federal Register** (44 FR 20372), and will not be restated in this notice.

A supplement to the April 4 notice was published on July 2, 1979, outlining among other things, criteria for conditional approval. EPA proposes to conditionally approve the plan where there are minor deficiencies and the State provides assurances that it will submit corrections by a specific deadline. This notice solicits comments on what items should be conditionally approved, and it solicits comments on the schedule, where specified, in this notice. A conditional approval will mean that the restrictions on new major source construction will not apply unless the State fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

The Governor of Texas, after adequate notice and public hearing, submitted revisions to Texas' SIP on April 13, 1979. The revisions include provisions for attainment and maintenance of the NAAQS for ozone, carbon monoxide, and particulate matter, in the designated nonattainment areas. These provisions address Part D (Plan Requirements for Nonattainment Areas) of the Act. In addition, the State submittal included provisions relating to other parts of the Act. The overall plan was developed by the Texas Air Control Board (TACB). The action being taken today by EPA is only with respect to Part D requirements. Those SIP provisions relating to requirements of the Act other than Part D will be addressed in a later **Federal Register**. An evaluation report,[1] which reviews the SIP in detail, is available for inspection by interested parties during normal business hours at the EPA Region 6 office and the other addresses listed above.

A notice of availability of the Texas SIP revisions was published in the **Federal Register** on May 21, 1979, and interested persons were invited to comment. All comments received under that notice and this proposed rule making will be addressed at the time of final rulemaking.

[1] EPA Review of Texas State Implementation Plan Revision, June 1979.

Part D SIP Requirements

Ozone

In the March 3, 1978 **Federal Register**, at 43 FR 9037 (with a subsequent revision on September 11, 1978 at 43 FR 40433) the EPA identified fifteen counties in the State of Texas which were not attaining the NAAQS for photochemical oxidants. Subsequent to these designations, the EPA promulgated revisions (44 FR 8218, February 8, 1979) to the standard as follows: (1) the designated pollutant was changed from photochemcial oxidants to ozone, (2) the level of the standard was changed from 0.08 parts per million (ppm) to 0.12 ppm, and (3) the method of determining a violation of the standard was changed. The State reevaluated the air quality data for all designated nonattainment areas in light of the revised standard and determined that concentrations in two of the fifteen counties (McLennan and Travis) no longer exceeded the new standard.

Since the State officially requested redesignation of these areas to attainment status, concurrent with the submittal of these revisions, the plan does not address these counties. The redesignation of these areas will be addressed in a separate **Federal Register** notice to be published shortly. Therefore, the ozone plan addresses the following areas: Bexar, Dallas, El Paso, Harris, Nueces, and Tarrant Counties which have been identified as urban areas; and Brazoria, Ector, Galveston, Gregg, Jefferson, Orange and Victoria Counties which have been identified as rural areas according to EPA guidelines.

EPA guidance specified that the SIP need not include a specific demonstration of reasonable further progress (RFP) and attainment in the rural areas. Such a demonstration in the urbanized areas, along with the minimum stationary source requirements as defined in the general preamble should assure RFP and attainment in the rural areas by minimizing the pollutants transported from urbanized to rural areas. The ozone control strategy addresses the rural areas only to the extent that the State has committed to apply reasonably available control technology (RACT) requirements for major sources of volatile organic compounds (VOC) covered by the 11 Control Technique Guidelines (CTGs) that EPA issued by January 1978.

For the urban areas, design values were developed in accordance with methods described in the January 1979 EPA document, "Guideline for Interpretation of Ozone Air Quality

Standards." The State used the modified version of the linear rollback technique to determine the percent emission reduction required in order to demonstrate attainment of the ozone standard. This method accounts for the transport of ozone or its precursors and naturally occurring ozone. In accordance with EPA guidance, values of 0.10 ppm and 0.06 ppm were chosen by the State to represent the present level of transported ozone, and the future level of transported ozone, respectively.

The control strategy submitted by the State of Texas is based on emission reductions achieved through the application of RACT (to all major stationary sources covered by each CTG document published prior to January 1, 1978), the Federal Motor Vehicle Control Program (FMVCP) and control of new stationary source growth. According to the State, the reductions achieved are sufficient to demonstrate attainment in all urban nonattainment areas, except Harris County, by December 31, 1982.

The ozone control strategy also commits to consider for adoption, additional VOC control methods consistent with CTGs published after January 1, 1978. This does not constitute, in the EPA's opinion, a formal commitment to adopt regulations for future CTG source categories. However, EPA proposes to approve the SIP on the following conditions:

1. The State submits adopted RACT regulations for the following source categories by January 1980:

a. Vegetable oil processing.
b. Petroleum refinery leaks.
c. Gasoline tank truck.
d. Percholoroethylene dry cleaning.
e. Pharmaceutical manufacture.
f. Miscellaneous metal parts and products.
g. Graphic arts.
h. Pneumatic rubber tire manufacture.
i. Flatwood paneling.
j. Floating roof tanks.

2. The State adopts by January 1981 regulations which control emissions from additional source categories for which EPA issues a new CTG by January 1980.

3. The State demonstrates by certification that there are no sources in the State for a given VOC source category that is not regulated.

Regulation V of the TACB Regulations entitled "Control of Air Pollution from Volatile Organic Compounds," has been revised to include legally enforceable regulations which address the application of RACT for ten of the eleven source categories covered in the CTGs. Since a review, by the State, of all business directories, as well as replies to formal questionnaires mailed to all local air pollution control programs failed to reveal any magnet wire coating operations in the ozone nonattainment areas, no RACT regulation was developed. All sources subject to the provisions of revised Regulation V are to be in compliance on or before December 31, 1982.

Mobile source emission reductions are to be achieved through the FMVCP. EPA's MOBILE 1 computer model was used to calculate vehicle emissions for 1977 and 1982. Input data, such as vehicle miles travelled (VMT), speed, vehicle age and type distribution, etc. were obtained from the Texas Department of Highways and Public Transportation. In addition, the State estimated the projected increase in VMT would be reduced by 5.1 percent for all urban areas, during the period from 1977–1982, based on a report prepared for the Federal Energy Administration which predicted such a decrease due to a doubling in gasoine prices during this period.

However, the basis for the VMT reduction estimates used in the report may not be applicable for urban areas in Texas. EPA will be asking the State to provide additional documentation to justify use of this reduction, and to track changes in VMT as a portion of their RFP reporting requirements.

The following table indicates the percentages of reduction predicted by the TACB to occur by the end of 1982 through the application of these control measures. The required percentages of reduction include an estimated growth rate for area sources. Growth rates were based on estimated population increases with the exception of vehicle emissions growth which reflect increases in VMT. No growth rate was included for stationary sources since the State intends to control new source growth through offsets.

Table 1.—*Anticipated and required reductions*

Nonattainment county	Anticipated reductions by Dec. 31, 1982			Required reductions[2]
	FMVCP (percent)[1]	RACT (percent)	Total	
Bexar	21.4	1.3	22.7	12
Dallas	23.1	4.2	27.3	27
El Paso	14.7	10.7	25.4	20
Harris	12.1	15.7	27.8	60
Nueces	4.6	30.4	35.0	1
Tarrant	19.1	11.0	30.1	20

[1] Percent of 1977 baseline emissions.
[2] Including growth from area sources.

From this table, it can be seen that the predicted cumulative reductions from the FMVCP and the application of RACT will be sufficient to achieve the required percentage of reduction necessary to demonstrate attainment of the ozone standard by December 31, 1982, in all urban nonattainment areas, except in Harris County.

If an area can demonstrate that, despite the implementation of all reasonably available control measures, attainment is not possible by December 31, 1982, an extension may be granted until December 31, 1987. In such a case the following additional measures must be taken:

(1) The application of RACT must be extended to minor sources

(2) The establishment of a program of alternate site analysis and other factors, prior to issuance of a preconstruction permit

(3) The establishment of a schedule for implementation of an inspection/maintenance (I/M) program for vehicle emissions control

(4) The identification and commitment to study tranportation control measures (TCMs), including additional packages of measures

(5) A commitment to establish, expand, or improve public transportation measures

(6) The identification of additional measures needed to provide for attainment by December 31, 1987

(7) An identification and commitment for expeditious implementation of currently planned reasonably available transportation control measures.

Such an extension has been requested for Harris County. The Texas plan addresses the additional requirements for Harris County as follows.

(1) The application of RACT has been extended to minor sources.

(2) The TACB permit application form (Form PI–1) will be amended to require the application to state whether an

analysis of alternatives required by Section 172(b)(11)(A) of the Federal Clean Air Act has been performed for the proposed new source. The TACB has informed EPA that should the application indicate that an analysis has not been performed, the TACB will write to the applicant specifically inquiring whether the analysis has been performed. If the response is still negative the TACB will advise that based on the lack of an analysis, a permit meeting the requirements of the Clean Air Act cannot be issued. The EPA is, therefore, proposing conditional approval of this approach based on the conclusion that the approach will operate to assure that the required analyses will be performed.

(3) Draft I/M legislation was submitted with the SIP. On March 9, 1979, Texas House Bill 726 was introduced into the Texas Legislature which provided for an amendment to the Texas Clean Air Act to require the TACB, in conjunction with the Texas Department of Public Safety and the State Department of Highways and Public Transportation to:

(1) Conduct an I/M pilot program,

(2) Study various feasibility and implementation I/M program options,

(3) Report to the 67th Session of the Texas Legislature concerning these requirements on or before December 1, 1980, and

(4) Prepare for an I/M program in Harris County to allow for full implementation of the program not later than December 31, 1982.

As of the writing of this notice, I/M legislation has passed both the Texas House and Senate and has been signed by the Governor, but has not been submitted as part of the SIP. According to EPA policy, published in the May 19, 1978 **Federal Register** (43 FR 21673), the legal authority for an I/M program must be in place no later than June 30, 1979 (with certain exceptions not applicable to Texas). Since the legislation submitted with the SIP is in draft form, EPA is proposing approval on the following conditions: (a) enacted legislation is substantially the same as the draft included with the SIP; (b) it is submitted as part of the SIP; and (c) necessary changes are made to the SIP to commit to the implementation of the legislation.

(4) On July 24, 1978 the Governor officially designated the Houston-Galveston Area Council (H–GAC) as the lead local planning agency in the Houston area. The TACB and H–GAC entered into a Memorandum of Agreement which assigned primary responsibilities for items related to TCMs. These responsibilities include:

(a) Mobile source emissions inventories.

(b) Transportation control planning, including obtaining legally enforceable ordinances and resolutions.

(c) Monitoring compliance with adopted transportation control plans and reporting on an annual basis to the TACB the status of enforcement and implementations.

The current status of the TCM studies indicates that they are in various degrees of development requiring completion of individual items and packaging of strategies that are technically, socially, and economically acceptable for implementation and inclusion in the 1982 SIP revision for Harris County.

Two of the 18 TCMs, by agreement between the TACB and the H–GAC, have been identified as being the responsibility of the TACB. These include the implementation of an I/M program and a program to control vapor emissions from fuel transfer and storage operations. One of the measures, programs to reduce motor vehicle emissions which are caused by extreme cold start conditions, is not considered applicable because of the semitropical climate in the Houston area.

A number of studies need to be undertaken by the H–GAC in cooperation with other local governmental agencies. These include a study to limit common carriers to portions of the transportation network, an indepth study of staggered work hours, a study of the feasibility of additional tollroads, a broader study of traffic flow improvements including reduction of extended vehicle idling and a study of programs for the conversion of fleet vehicles to cleaner engines or fuels.

Currently under study are programs for improved public transportation including a long range transit element, studies on transit malls as well as pedestrian malls, and a study on bikeways and facilities for recreation which needs to be expanded to study the feasibility of bikeways for work trips.

Other studies are partially completed and are in various degrees of implementation. These include a carpool program in conjunction with exclusive bus and carpool lanes, programs to control on street parking, a program of operating parking facilities as park and ride lots and an employer carpool, vanpool and transit program for employees.

The Memorandum of Agreement between the TACB and the H–GAC constitutes a commitment by the H–GAC to conduct the alternative analysis of the TCMs.

(5) A commitment to improve public transportation was made by the voters of Harris County in a referendum on August 28, 1978 which created a Metropolitan Transit Authority (MTA) and levied a one cents sales tax to implement the MTA's programs. The types of programs to be implemented are indicated in Appendix G of the SIP and include bus fleet modernization and expansion; development of a bus maintenance facility; improved bus service; additional park and ride services; elderly and handicapped services; vanpool and car-share programs; preferential treatments for transit; a transitway development program and an automated guideway/rail transit program.

Appendix G, "Transportation Control Measures: Current Status" is a Houston-Galveston Area Council staff document and therefore has no offical status as a commitment to transit improvements. Since the plan contains no formal commitment to public transportation improvement in Harris County, it remains deficient in this respect. The SIP is conditionally approved on the basis of receiving a submittal (as part of the SIP) of a commitment on or before October 29, 1979.

(6) According to the Texas plan a reduction of approximately 70,300 tons of VOC in Harris County is needed to demonstrate attainment of the ozone standard by December 31, 1987. The TACB has identified several additional measures which will be considered for inclusion and implementation in the 1982 SIP revision. These additional measures along with their potential reductions are shown in the following table:

Table 2.—*Potential Emission Reductions From Additional Control Measures for Harris County*

Additional measures	Tons
Additional CTGs	28,000
2 for 1 Emissions Reduction	16,000
10% Reduction in VMT	5,000
Replacement of RACT and BACT with LAER	10,000
Improvement in Control Technology Assumptions	10,000
Vehicle Inspection and Maintenance Program	10,000
Total	81,000

(7) The SIP does not identify (or include any commitment to implement) any currently planned TCMs having beneficial air quality impacts. EPA proposes to conditionally approve the SIP provided that within 90 days after

publication of this notice, the State identify and commit to expeditious implementation of currently planned TCMs which may be included in the Transportation Improvement Plan (TIP).

As previously noted, Regulation V has been revised to include legally enforceable regulations which address the application of RACT to stationary sources covered by the CTGs. The CTGs provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes that the submitted regulations represent RACT, except as noted below. On the points noted below, the State regulations are not supported by the information in the CTGs, and the State must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the CTGs. The specific deficiencies are outlined below:

1. Subchapter 131.07.51 pertains to control requirements for the storage of VOCs. Some of the control measures specified do not represent RACT, as discussed in the evaluation report.

2. Subchapter 131.07.54 pertains to the control of VOC emissions from the filling of gasoline storage vessels for motor vehicle dispensing facilities. In the July 21, 1977, **Federal Register** (42 Fed. Reg. 37376), EPA promulgated such regulations for certain areas in the State of Texas. Since the federally promulgated regulations are more restrictive than those of the State's, as noted in the evaluation report, the EPA proposes to disapprove this subchapter for those counties which are covered under the federal promulgation, (i.e., Bexar, Brazoria, Dallas, Harris, Galveston, and Tarrant Counties) until such time as the State develops equivalent regulations.

3. Subchapter 131.07.55.103 pertains to the control of VOC emissions from wastewater separators. It provides an exemption for those separators receiving less than 200 gallons of VOC/day and the exemption for wastewater separators used exclusively in conjunction with the production of crude oil or condensate which is unsupported. State must demonstrate how these exemptions impact upon the reductions achieved for these source categories.

4. Subchapter 131.07.56 pertains to the control of VOC emissions from vacuum producing systems and process unit turnaround in petroleum refineries. It provides an exemption for vacuum producing systems which emit less than 100 pounds/day. The State must provide an evaluation of how this exemption affects the reductions achieved for this source category.

5. Subchapter 131.08.59.101 pertains to the control of VOC emissions from the use of cutback asphalt. The method of control proposed by the State is inconsistent with the RACT requirements for this source category. The State must demonstrate the impact on emissions of reducing the use of cutback asphalt by 92 percent, as specified in this subchapter.

In addition, the application of this regulation must be extended to those nonattainment counties in which the use of cutback asphalt constitutes 100 tons per year or more of VOC emissions on a county-wide basis.

6. Subchapters 131.07.59.102–104 pertain to the control of VOC emissions from degreasing operations. The controls and exemptions specified are not considered as RACT as noted in the evaluation report.

7. Subchapters 131.07.60.101–104 establish emission limitations for surface coating processes. The subsection pertaining to can coating provides for a phase compliance schedule which extends final compliance with the RACT required emission limitations until December 31, 1985. A categorical compliance date beyond December 31, 1982 is not approvable unless supported.

8. The State has not included test procedures for determining compliance with the surface coating or gasoline terminal regulations.

9. Subchapter 131.07.62 addresses VOC exemption status in ozone nonattainment areas. This provision exempts certain compounds from control, cancels previous exemptions granted pursuant to Regulation V, establishes a new mechanism for exempting vent-gas streams, and provides a compliance deadline for previously exempted sources. This provision's allowance for a new compliance date for sources which had been exempted by the procedures established in Regulation V is acceptable as meeting the minimum requirements for EPA approval. These previously exempted sources are not at this time covered by any Control Techniques Guideline (CTG) issued by the Agency. Since EPA believes that States will be able to make more technologically sound decisions in adopting RACT requirements for source categories after publication of CTG, States are permitted to defer adoption of RACT requirements for sources until after the publication of the applicable CTG (if reasonable further progress can otherwise be demonstrated). Therefore, in the absence of a CTG document, any control of these sources is within the State's prerogative, assuming the State can demonstrate that reasonable further progress will be achieved and that attainment will be achieved by 1982 or such later date as is appropriate.

While EPA proposes to approve this provision, it should be noted that the TACB must submit any further exemption under this rule to EPA for approval as a SIP revision before that exemption can become effective under the SIP. In addition, since Subchapter 131.07.62.103 allows until December 31, 1979 for the submittal of a compliance schedule it does not at this time contain compliance schedules in satisfaction of 40 CFR 51.15, EPA proposes to conditionally approve this provision on condition that for all affected sources, compliance schedules meeting the requirements of that section be submitted to EPA for approval no later than March 31, 1980.

10. Subchapter 131.07.62.101 exempts methyl chloroform (1,1,1 trichloroethane) and/or methylene chloride. These volatile organic compounds (VOC), while not appreciably affecting ambient ozone levels, are potentially harmful. Both methyl chloroform and methylene chloride have been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity.

With the exemption of these compounds, some sources, particularly existing degreasers, will be encouraged to utilize methly chloroform in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding that of other solvents. Endorsing the use of methyl chloroform by exempting it in the SIP can only further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources.

The EPA is concerned that the State has chosen this course of action without full consideration of the total environmental and health implications. The EPA does not intend to disapprove the State SIP submittal if, after due consideration, the State chooses to maintain these exemptions. However, we are concerned that this policy not be interpreted as encouraging the increased use of these compounds nor compliance by substitution.

The EPA does not endorse such approaches. Furthermore, state officials and sources should be advised that there is a strong possibility of future

regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions.

The State has been advised of EPA's review of Regulation V and has committed to work with EPA to resolve the deficiencies. EPA is proposing conditional approval of Regulation V provided that those portions of the regulations are revised or additional demonstrations in accordance with the requirements set forth above, are submitted within 120 days of the publication of this notice.

Carbon Monoxide

A portion of the City of El Paso which encompasses much of the downtown area was designated as nonattainment for CO. (An exact description of the geographic area is included in the SIP and discussed in the evaluation report). The nonattainent problem has been determined to stem primarily from mobile sources since stationary point sources contribute less than 5 percent to overall CO emissions, as evidenced in the emission inventory.

Violations of only the eight-hour standard have been recorded in the El Paso area, with the highest second-high value being 12 ppm, recorded in 1976 at SAROAD monitor site number 451700027F01. Using this value in the linear rollback equation results in an emission reduction of 25 percent needed to demonstrate attainment of the eight-hour standard.

The control strategy contained in the SIP is based on vehicle emission reductions achieved through the FMVCP. Using EPA's MOBILE 1 computer model, vehicle emissions for 1977 and 1982 were calculated. Input data such as VMT, speed, vehicle age and type distribution, etc., were obtained from the Texas Department of Highways and Public Transportation. Also included is an estimated 5 percent reduction in the increase in VMT between 1977 and 1982 due to an estimated doubling of gasoline prices.

The FMVCP will effect a 29.4% reduction in CO emissions from vehicles by 1982. Therefore, the emission reductions achieved are considered adequate to demonstrate attainment.

Particulate Matter

In the March 3, 1978 **Federal Register**, 25 areas in the State of Texas were identified as not attaining the NAAQS for particulate matter (TSP). (An exact description of the geographic areas designated as nonattainment can be found in the EPA evaluation report.)

Subsequent to these designations, the TACB expressed concern that the nonattainment designations in certain areas had been based on monitors not sited in accordance with guidance proposed by the Standing Air Monitoring Work Group (SAMWG), and that the application of the rural fugitive dust policy (RFDP) to certain areas had been overlooked. In regard to these concerns, EPA reviewed those monitors under question and concluded that three areas (i.e., Eagle Pass, Progresso and McAllen) should be redesignated to attainment on the basis of the RFDP and eight areas (i.e. Texas City, San Antonio, two areas in Harris County, three areas in Fort Worth, and one area in El Paso) should be redesignated to unclassifiable on the basis of improperly sited monitors. On April 6, 1979 the TACB submitted Board Resolution R79–2, which officially requested redesignation of the above mentioned areas. Therefore, no plan development is required for these eleven areas. The redesignation of these areas will be addressed in a separate **Federal Register** notice to be published shortly.

Of the fourteen remaining areas, for which demonstrations of RFP and attainment are still required, the TACB contends that eight of the areas have monitors that are located too close to heavily travelled roads and/or too close to the ground, thereby invalidating the data used to verify attainment or nonattainment in these areas. These areas are as follows: San Benito, Brownsville, Corpus Christi 1,[2] Corpus Christi 2, Dallas 1, Dallas 3, El Paso 4, and El Paso 5.

The control strategy for these eight areas consists solely of relocating the monitors to sites considered by the TACB to be more representative of the ambient air quality within these areas. However, the EPA had, as previously discussed, concluded that these monitors were properly sited. Therefore, the control strategy for these eight areas is inadequate. In order to be approvable, complete and relevant control strategies must be developed and must include as a minimum, emission inventories, design values, required percentages of reduction, and demonstrations of RFP and attainment. In those areas for which it can be demonstrated that there is no significant industrial influence, the linear rollback method may be used in the development of the plan. However, for those areas which are significantly influenced by industrial sources, more sophisticated methods, such as dispersion modelling must be used. Plans should, in general, contain adopted RACT requirements for traditional (industrial) sources, and adopted requirements or schedules for study and subsequent adoption of requirements for nontraditional sources (e.g. unpaved roads, parking lots). However, the State may develop whatever mix of control measures it deems appropriate provided that it demonstrates RFP and attainment as expeditiously as practicable.

This deficiency has been discussed with the State and as a result they have submitted letters to EPA committing to develop revisions to the SIP (on a specified schedule) which will include control strategies for the deficient areas. The State schedule calls for a draft SIP revision supplement for six areas to be complete by August 13, 1979. It is not clear, based upon the areas described in the letters of commitment, if the six areas referenced are commensurate with the eight areas that EPA considers deficient. If these areas are different, EPA will also require that items (1) and (2) listed below also address the two remaining areas. Upon submission of the draft SIP revision supplement to EPA, conditional approval can be granted this part of the SIP, provided it contains; (1) an analysis of the impact of stationary sources on each of the nonattainment areas in question and a reasonable schedule to adopt controls if the analysis shows the stationary sources to have significant impact, and (2) an analysis of the imact of non-traditional sources on the nonattainment areas in question and a reasonable schedule to conduct studies to control the non-traditional sources.

For the remaining six areas, (i.e., of Aldine, Houston 1, Dallas 2, Fort Worth 1, El Paso 1, and El Paso 2) the plan identifies the following sources as the primary causes of nonattainment: wind erosion of arid lands; dirty paved streets and parking lots; unpaved streets, parking lots and, alleys; construction activities; and industrial processes. The overall control strategy for these areas consists of the implementation of revisions to Regulation I, which are to provide for increased enforceability and stringency of control of fugitive dust emissions from materials handling, construction activities, and the use and maintenance of roads, streets, alleys and parking lots.

For the attainment demonstration in these six areas, the State developed an emissions/air quality relationship that is

[2] This notation was used in the Texas SIP to differentiate among the non-attainment areas within one city. For example the two nonattainment areas in Corpus Christi are Corpus Christi 1 and Corpus Christi 2.

not consistent with any EPA guideline for air quality estimates. Basically, the method includes that portion of fugitive dust emissions which cannot be controlled, with the background, (i.e., if Regulation I would reduce 50 percent of the fugitive dust emissions by 85 percent, the other 50 percent are uncontrollable under Regulation I). The EPA cannot fully approve the control strategies for those areas which use this method until the following demonstrations are sumittted by the TACB.

1. A demonstration in the control strategy that the nonattainment area shows no significant industrial influence.

2. A demonstration in the control strategy that the State's method results in at least as stringent reductions as the linear rollback method would require.

In addition to this, a number of problems have been identified with the control strategies for each of these areas. First, an error has been made in the calculation of emissions from unpaved parking lots that affects all but the Fort Worth 1 nonattainment areas. Therefore, the emission inventories and attainment demonstrations must be revised to reflect the corrected figures. This change may affect the ability of the control strategy to demonstrate attainment in some of these areas. Since the remainder of the problems are area specific, the following discussion will address each area individually.

Houston 1

The plan for this area was developed on the basis that only one of six monitors was properly sited. However, the EPA has concluded that two additional monitors in the area were also properly sited and that the design value should be 135 $\mu g/m^3$. The monitor from which the design value was obtained has been shown to be influenced by industrial sources. Therefore, the use of linear rollback is not appropriate. Dispersion modelling must be used in the demonstration.

Dallas 2

The plan contends that the designation for this area should be removed since the monitor is source-oriented. However, the State has demonstrated attainment through control measures for fugitive dust sources implemented under revisions to Regulation I.

Again, the use of linear rollback is inappropriate since the monitor is influenced by industrial sources, and control measures must be developed for the source (in this case, a lead smelter), or dispersion modelling should be used to show that the proposed controls will suffice to demonstrate attainment.

El Paso 1

The plan for this area was developed on the basis that only two of the seven monitors were properly sited. However, the EPA has concluded that in addition to these, three monitors in the area were also properly sited and the design value should be 142 $\mu g/m^3$. The emission inventory indicates that approximately 70 percent of the emissions in this area are from industrial sources. Therefore the use of linear rollback is inappropriate. Dispersion modelling should be used in the demonstration of attainment.

El Paso 2

EPA data indicates that the design value should be 99 $\mu g/m^3$ rather than 92 $\mu g/m^3$ which was used by the State. The demonstration of attainment must be reevaluated using the corrected design value.

As previously discussed, Regulation I has been revised to provide for increased enforceability and stringency of control of fugitive dust emissions form materials handling, construction activities, and the use and maintenance of roads, streets, alleys and parking lots. Other revisions to this regulaiton deal with outdoor burning of municipal solid waste, visible emissions from gas flares, and compliance dates for areas presently designated as nonattainment for TSP and areas designated as such in the future.

The effectiveness of the TSP control strategy presented in the Texas SIP hinges on the ability of the revisions to Rule 131.03.04 to achieve the anticipated reductions. In general, the revisions to Rule 131.03.04 required the following controls.

1. The covering of open-bodied trucks, trailers or railroad cars, when in motion, which could create airborne particulate matter.

2. The use of water, oils or chemicals for controlling dust in demolition and construction operations, and in work performed on roads, streets. alleys or land clearing; and the use of adequate mehtods to minimize airborne particulate matter during sandblasting.

3. The application of asphalt, water, oil or chemicals to unpaved surfaces with specific levels of traffic flow; and the removal of soil or other materials, as necessary, except for sand applied for snow or ice control from paved surfaces.

4. The application of asphalt, water, oil or chemicals to parking surfaces having more than 20 parkings daily.

The use of the term "as necessary" in the section dealing with the removal of material from paved surfaces (i.e., 131.03.04.004(b)), is ambiguous and vague in that it cannot be determined if it refers to the necessity to remove soil from paved roads or to the removal of an amount necessary for achieving attainment of the TSP standards. It also appears that sand used in snow or ice control is totally exempt from this control measure.

In the TSP control strategy, Regulation I is, in general, credited for an 85 percent reduction in emissions from paved and unpaved roads, and parking lots. A reduction of 85 percent can be accepted as reasonable for the control of emissions from paved roads, and the paving of unpaved surfaces. However, Regulation I does not require paving as the sole method of control. The use of water, oil, or chemical treatments are also allowed and generally result in substantially lower control efficiencies, usually on the order of 50 percent. Therefore, EPA feels that the effect of this rule was overestimated in the control strategies. A weighted control efficiency must be used in the development of the corrected control strategies, unless the intent was to require paving of unpaved surfaces as the sole control method.

New Source Review—Section 172(b)(6). In addition to the emission reductions to be affected through the application of RACT, and the FMVCP, the Texas plan also provides for a review of new source growth, based on the requirements of Section 173 of the Act, as reflected in the revisions to Regulation VI. In addition, the EPA's Interpretative Ruling, as revised on January 16, 1979 (44 Fed. Reg. 3274), sets forth several issues that are relevant under Part D. The revisions to Regulation VI have been reviewed in light of these requirements, and the following deficiencies have been identified.

1. Subchapter 131.08.00.003.(a)(13) provides that offsets shall be required in all ozone nonattainment areas designated as such after March 3, 1978, until such time as the TACB adopts regulations and a control strategy providing for attainment in the area. This is in conflict with the Interpretative Ruling in that the Ruling shall apply during the time of plan development and until final approval by the EPA.

2. The definitions of "major source" and "major modification" as specified in Subchapter 131.01.001.(29) and (30) of the General Rules, must be revised so as to be equivalent to the definitions in the

Interpretative Ruling or clarified by the TACB as to their meanings.

3. In Subchapter 131.08.00.003.(a)(14), the use of "significance levels" in allowing exemptions from certain portions of the Interpretative Ruling is only applicable to sources locating at sites where the NAAQS is not actually violated. Requirements for offsets similar to those in subchapter 13.08.00.003.(a)(12) must be established for existing nonattainment areas for pollutants other than ozone.

The EPA is proposing conditional approval of Regulation VI as it pertains to the requirements of Section 173 of the Act provided that the State revise those portions of the regulation in accordance with the requirements set forth above, and submit the revisions within 120 days of publication of this notice. The State may request an alternate schedule for item 2 above if the State feels additional guidance is needed due to the Alabama Power Company vs. Costle Court decision.

Other Part D Requirements

The State has specified that financial and manpower resources available to the State and local air pollution control agencies will be submitted to the EPA at a later date. However, they have stated that resources needed to carry out the provisions of this plan are available for the current (i.e., 1979) fiscal year.

The State has provided evidence of intergovernmental involvement and consultation as required under Section 174 of the Act. These activities resulted in the official designation by the Governor on July 24, 1978 of the following agencies as the lead agencies responsible for development of air quality related transportation plans.

Houston-Galveston Area Council—Metropolitan Planning Organization (MPO) for Harris County.
North Central Texas Council of Governments—MPO for Dallas and Tarrant Counties.
San Antonio—Bexar County Urban Transportation Study Steering Committee—MPO for Bexar County

The State has included a brief analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions chosen. The State does not presume that the plan will result in attainment, nor does the State attempt to predict its affect on health. The State does feel that the economic impact and energy consumption resulting from the plan will be significant.

The State has provided evidence that the necessary requirements have been adopted in legally enforceable form through Board Order R79-3, adopted on March 30, 1979.

EPA considers the submittal of schedules, adopted regulations, and memorandums of agreement, included in these revisions, to constitute a commitment by the State and other governmental bodies to implement and enforce the provisions of this plan.

This notice is issued under the authority of section 110 and 171 to 178 of the Clean Air Act, as amended, 42 U.S.C. §§ 7410 and 7501 to 7508.

Dated: June 8, 1979.

Adlene Harrison,

Regional Administrator.

[FR Doc. 79-23790 Filed 7-31-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52 and Part 81]

[FRL 1288-3]

Approval and Promulgation of Implementation Plans for Maine; Attainment Status Designations

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the State of Maine were submitted to the Environmental Protection Agency (EPA) on May 1, 1979 by the Governor. The intended effect of the revisions is to meet the requirements of Part D of the Clean Air Act (the Act) as amended in 1977, "Plan Requirements for Non-Attainment Areas", through the implementation of new measures for controlling emissions and providing for attainment of the National Ambient Air Quality Standards (NAAQS) by the required dates. In addition, the revisions respond to certain other requirements of the Act, including those concerning the Prevention of Significant Deterioration (PSD) of Air Quality. This Notice discusses the Maine submittal and EPA's proposed action.

DATES: EPA invites public comment on these proposed actions, the identified and other relevant issues, the suggested corrections and conditions and generally on whether the Maine SIP revisions should be approved or disapproved. Comments may be submitted to EPA at the address listed below on or before August 31, 1979.

ADDRESSES: Copies of the SIP revisions are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; and the Bureau of Air Quality Control, Department of Environmental Protection, State House, Augusta, Maine 04330.

Copies of EPA guidance pertaining to the requirements of the SIP revisions are available for inspection in Room 1903, JFK Federal Building, Boston, Massachusetts 02203; the Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; and the Bureau of Air Quality Control, Department of Environmental Protection, State House, Augusta, Maine 04330.

Comments should be submitted to Frank J. Civattieri, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, 617/223-6883.

SUPPLEMENTARY INFORMATION: On April 4, and on or about July 2, 1979, EPA published the requirements for an approvable non-attainment SIP in the Federal Register (44 FR 20372 and 38583). Those publications supplement this proposal by identifying the major requirements that guide EPA's evaluation of State submittals. These criteria are not restated in this Notice but copies of those documents are available at the locations listed in the ADDRESSES section of this Notice.

EPA is hereby proposing to approve certain parts of the Maine submission, to approve others upon the fulfillment of certain stated conditions, and to disapprove another portion. The Agency is hereby proposing to approve:

1. The carbon monoxide control strategies for Bangor and Lewiston;

2. The ozone control strategies for Metropolitan Portland and Central Maine including the regulations in Chapter 111 entitled, Petroleum Liquid Storage Vapor Control, and the regulation in Chapter 112 entitled, Petroleum Liquids Transfer Vapor Recovery;

3. The secondary total suspended particulate (TSP) plans for Bangor/Brewer, Thomaston and Baileyville;

4. The program to prevent significant deterioration (except one subsection);

5. The permit fee program;

6. The stack height regulation.

The Agency is also proposing to approve the folowing attainment status redesignations (under 40 CFR Part 81):

1. Of the Downeast Air Quality Control Region for oxidants from non-atainment to unclassified;

2. Of the Bangor/Brewer area for primary TSP from non-attainment to secondary TSP non-attainment; and

3. Of Rockland and Lewiston/Auburn from non-attainment for the secondary TSP standard to unclassifiable.

EPA is proposing to approve with conditions:

1. The sulfur dioxide (SO_2) attainment plan for Millinocket;

2. The secondary TSP attainment plan for Augusta;

3. The Growth Offset Regulation in Chapter 113 of the State's Regulations;

4. The new source review Emission License Regulation in Chapter 108;

5. The plan to involve the public, local, and state officials in SIP Development; and

6. Resource commitments.

EPA is proposing to disapprove Regulation 108.3(A)(3) as it pertains to the Prevention of Significant Deterioration.

BACKGROUND: On March 3, 1978 (43 FR 8962), pursuant to the requirements of Section 107 of the Act, EPA promulgated lists designating as "non-attainment" areas where the National Ambient Air Quality Standards (NAAQS) were not attained as of August 7, 1977, as "attainment" where the standards had been attained or as "unclassifiable" when insufficient information was available. The designations are made for carbon monoxide, total suspended particulates, sulfur dioxide, nitrogen dioxide and ozone, the air pollutants for which there are national ambient standards.

In Maine, there is statewide attainment for nitrogen dioxide. In the March 3, 1978 **Federal Register** notice, the Bangor/Brewer area was designated non-attainment for the primary total suspended particulate (TSP) standard. This SIP revision requests redesignation for the area to attainment for the primary standard and to non-attainment for the secondary TSP standard. In addition, this revision requests redesignation of Rockland and Lewiston/Auburn from non-attainment for the secondary TSP standard to unclassifiable. The March 3 **Federal Register** notice also designated three Air Quality Control Regions (AQCRs), Metropolitan Portland, Central Maine and Downeast as non-attainment for ozone (formerly oxidants). These SIP revisions request redesignation of the Downeast AQCR to unclassifiable. The 1978 designations of the Lewiston/Auburn and Bangor areas as non-attainment for carbon monoxide remain unchanged as does the non-attainment designation of Millinocket for sulfur dioxide.

On May 29, 1979 EPA published a Notice that the Maine SIP revisions were available for review and invited the public to comment on their approvability. As yet, no comments have been received. EPA has now completed its review of the SIP revisions.

The remainder of this Notice is divided into two parts. The first part describes Maine's non-attainment SIP, the attainment status redesignations and the results of EPA's review. The second part discusses the PSD program, Maine's response to certain general requirements of the Act and EPA's judgment as to whether those requirements have been met.

Pursuant to Part D of the Act, each state must satisfy specific requirements in the areas designated as non-attainment. The SIP must be revised to demonstrate attainment of the NAAQS as expeditiously as practicable, but no later than the end of 1982 (or the end of 1987 for areas with difficult ozone or carbon monoxide problems). In some cases of secondary standard nonattainment, the SIP may provide for an attainment date beyond 1982. These requirements and the major considerations that will guide EPA's evaluation of attainment plans are briefly summarized below. After each item is a citation to the applicable section of the Act and the applicable paragraphs of the Administrator's February 24, 1978 memorandum on "Criteria for Approval of 1979 SIP Revisions" which was published in the **Federal Register** on May 19, 1978 (43 FR 21673).

Requirements for All Part D SIPs:

• demonstrate that both primary and secondary NAAQS will be attained within the non-attainment area as expeditiously as practicable, but for primary NAAQS no later than the following final deadlines: (§ 172(a); ¶¶ 1, 3, 5.)

—for sulfur oxides, particulate matter, and nitrogen dioxide, December 31, 1982.

—for ozone or carbon monoxide, December 31, 1982, except, if the state demonstrates that attainment by December 31, 1982 is impossible despite implementation of all reasonably available measures, December 31, 1987.

• Require reasonable further progress in the period before attainment, including regular, consistent reductions sufficient to assure attainment by the required date. (§ 172(b)(3); ¶ 6.)

• provide for implementation of all reasonably available control measures (RACM) as expeditiously as practicable, insofar as necessary to assure reasonable further progress and attainment by the required date. This includes reasonably available control technology (RACT) for stationary sources and reasonably available transportation control measures (§ 172(b)(2), (8); ¶¶ 4–5.)

• include an accurate, current inventory of emissions that have an impact on the non-attainment area, and provide for annual updates to indicate emissions from existing sources. (§ 172(b)(4); ¶¶ 2, 7–8.)

• expressly quantify the emissions growth allowance, if any, that will be allowed to result from new major sources or major modifications of existing sources, which may not be so large as to jeopardize reasonable further progress or attainment by the required date (§ 172(b)(3) and (5); ¶ 7.)

• require preconstruction review permits for new major sources and major modifications of existing sources, to be issued in accordance with Section 173 of the Act. (§ 172(b)(6); ¶ 9.)

• include the following additional SIP elements: (§ 172(b)(7), (9)–(10); ¶¶ 4, 10–11.)

—identification and commitment of the necessary resources to carry out the Part D provisions of the plan

—evidence of public, local government, and state legislative involvement and consultation in accordance with Section 174 of the Act.

—identification and brief analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions chosen and the alternatives considered, and a summary of the public comment on the analysis.

—written evidence that the state and other governmental bodies have adopted the necessary requirements in legally enforceable form.

—written evidence that the state and other governmental bodies are committed to implement and enforce the appropriate elements of the SIP.

There are additional requirements for states where carbon monoxide and ozone attainment will not take place prior to 1982. However, since this is not true for Maine the additional requirements do not apply and have not been reproduced here.

These requirements were discussed in a notice in the April 4, 1979 issue of the **Federal Register** (44 FR 20372). A supplement to the April 4 notice was

published on July 2, 1979 (44 FR 38583) including, among other things, a discussion of EPA's intent to conditionally approve a plan where there are minor deficiencies and where a State provides assurance that it will submit corrections by specified deadlines.

This Notice solicits comment on what items should be conditionally approved in the Maine SIP, and solicits comment on deadlines where specified in the Notice. A conditional approval will mean that the restrictions on new major source construction will not apply unless the State fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

I. Maine's Non-Attainment SIP Revisions

A. *Carbon Monoxide* (CO)

1. *Lewiston.* Within the City of Lewiston an area bounded by and including Main Street, Park Street, Willow Street, and Canal Street has been designated as non-attainment for carbon monoxide (CO).

Description of the Plan: Since there are no significant stationary sources of CO in the area, the control strategy focuses on vehicular controls. The Policy Committee of the Lewiston/Auburn Comprehensive Transportation Study (LACTS), the Department of Environmental Protection (DEP) and the Maine Department of Transportation, are working cooperatively to study and implement controls to attain the CO standard for this area.

The DEP has determined that a 46% reduction in CO emissions is needed to achieve the standard by the end of 1982. The proposed control measures including traffic light synchronization and other traffic flow improvements have been designed to achieve this reduction. The strategy further relies on the Federal Motor Vehicle Emission Control Program (FMVECP) to assure maintenance of the standard and to accommodate growth. Each year as the proposed measures are implemented the DEP will monitor their effectiveness. If it is found that these strategies are less effective than originally anticipated then the Department will reevaluate this plan and develop additional strategies which will be necessary to meet the CO standard by 1982.

Issues: There are no significant issues.

Proposed Action: EPA is proposing approval of this portion of the SIP since it meets the requirements of Part D, except for Sections 172(b) (1), (6), (7), and (9) which will be discussed later in this Notice.

2. *Bangor.* Maine's second CO non-attainment area is located in Bangor and includes the area bounded by and including the Kenduskeag Stream, Franklin Street, Columbia Street, and Water Street.

Description of the Plan: The DEP used the "Traffic" computer program to develop a mobile source inventory as input to the Intersection Midblock Model and the Street Canyon Model. This analysis showed that traffic light signal improvements will result in a reduction of carbon monoxide emissions by 40% which is sufficient to meet standards by 1982.

An existing Memorandum of Understanding between the DEP and the Maine Department of Transportation will assure the required signal improvements are carried out as shown below:

No later than and increment:
July 1, 1979—Commit required funding for renovating the Bangor signalization. Commence preliminary engineering for project.
May 1, 1980—Complete signalization modifications.

Air monitoring will continue during the implementation phase to determine the effectiveness of the strategy. If it is found that this strategy is less effective than originally anticipated, the Department of Environmental Protection will reevaluate the plan and develop additional strategies which are necessary to meet the carbon monoxide standard by 1982. Provision for growth is reliant upon the FMVECP.

Issues: There are no significant issues.

Proposed Action: EPA is proposing approval of this portion of the SIP since it meets the requirements of Part D except Sections 172(b) (1), (6), (7), and (9) which will be discussed later in this Notice.

B. Ozone (O_3)

In the March 3, 1978 Federal Register (48 FR 8999) EPA announced that three AQCRs in Maine were classified non-attainment for ozone. The Downeast AQCR designation for non-attainment was based on three months of ambient air quality data submitted by the Pittston Company during the preparation of its Environmental Impact Statement in 1974. No other ambient air quality data for this AQCR exists. The three months of data showed violations of the one-hour, 0.08 ppm standard. On Februrary 8, 1979 (43 FR 8202) EPA revised the ambient standard for ozone from 0.08 ppm to 0.12 ppm and revised the methodology for determining compliance with the standard. As a result of these changes the existing ambient data for this AQCR no longer shows violations of the revised standard. Before the area can be redesignated attainment, two years of data showing no violations are necessary. Therefore, the DEP has requested that the non-attainment designation for the Downeast AQCR be changed to unclassified until the DEP has collected the adequate ambient data.

Description of the Plan: The remaining two areas of the State currently designated non-attainment are the Metropolitan Portland AQCR and the Central Maine AQCR. Since Maine is a rural non-attainment state, the control strategy for ozone requires controlling major sources (sources with greater than 100 tons potential emissions) for which EPA has published control technology guidance. The categories of sources affected in Maine are petroleum storage terminals and paper coating operations.

The State has submitted two regulations to control pretroleum storage facilities. These regulations are: Chapter 111, Petroleum Liquid Storage Vapor Control, which requires all owners of fixed roof storage tanks to install floating roofs to reduce the hydrocarbon vapors lost to the atmosphere; and Chapter 112, Petroleum Liquids Transfer Vapor Recovery, which requires bulk gasoline terminals which load tank trucks or trailers and which pump more than 20,000 gallons of gasoline per day to install a vapor control system.

Maine's paper coating requirements affect two sources which were already controlled through the Maine Air Emission License mechanism. These sources are the S.D. Warren Company in Westbrook which is part of the Metropolitan Portland non-attainment AQCR and Eastern Fine Paper, Inc. in Brewer which is located in an unclassified area, but which Maine has chosen to control. The sources are required by the State to control volatile organic compound emissions from their paper coaters by application of best practical treatment but no less than 90% reduction in emissions. The degree of control is consistent with EPA guidance. S.D. Warren is required to have four coaters in compliance by July 1, 1979. Eastern Fine Paper is required to have one coater in compliance by March 1, 1980. The schedule for Eastern Fine Paper issued February 23, 1977 contains interim increments of progress and requires compliance prior to the date for other sources in this category in Region I. This schedule is considered expeditious.

A third source of hydrocarbon emissions which Maine is also controlling is open burning dumps although none are located in non-attainment areas and therefore are not included in Part D requirements. The DEP has issued orders requiring cessation of open burning according to specific compliance schedules.

Through a combination of these controls DEP is able to show reasonable further progress towards attaining the ozone standard by 1982.

Issues: There are no significant issues.

Proposed Action: The Agency is proposing approval of this portion of the SIP. This section of the plan meets the requirements of Part D of the Act with the exception of Sections 172(B) (1), (6), (7), and (9) which will be discussed later in this Notice.

Approval is proposed for the ozone control portion of the SIP including the petroleum storage regulations and the inclusion of the previously negotiated controls for the two paper coating sources.

EPA is also proposing approval under 40 CFR Part 81 of the redesignation for ozone from non-attainment for the Downeast AQCR to unclassifiable.

C. Sulfur Dixide (SO_2)

Primary and secondary sulfur dioxide standard violations recorded at two sites in Millinocket in 1977 and 1978 provided a basis for the non-attainment status designation which appeared in the March 3, 1978 **Federal Register**. The principal source of sulfur dioxide emissions in the area is a pulp mill operated by the Great Northern Paper Company. Emissions at the plant result from fuel burning, a magnesium oxide recovery plant, and the sulfite process. Violations in the area have been related to the release and aerodynamic downwash of sulfur dioxide from these three processes.

Description of the Plan: The DEP has issued permit conditions which will require Great Northern Paper to control sulfur dioxide emissions from a standby acid plant by 90%, to control digester relief gas sulfur dioxide emissions by 90%, and to construct two new stacks, one for the magnesium oxide recovery plant and one to replace the four stacks now serving the pulp mill's power boilers. All of these conditions must be met no later than September 1, 1980. Great Northern Paper Company has used a sequential dispersion model and five years of meteorological data to show that under maximum continuous operating conditions the plant will not violate standards with modified stack heights and operating requirements.

Issues: Every two or three weeks the magnesium oxide recovery plant routinely experiences periods of high emissions "upset conditions" lasting for from four to six hours. While sulfur dioxide emissions increase by a factor of six under temporary maximum upset conditions, the modeling submitted for the plant did not assess their ambient air quality impacts. Even if such estimates were prepared it is not clear how predictions, related to such episodes, should be compared against air quality standards.

Proposed Action: The Agency is proposing approval of this portion of the SIP with the condition noted below. Once the specified information is received and approved by EPA, the SO_2 attainment plan will meet the requirements of Part D except for Sections 172(b) (1), (6), (7), and (9) which are discussed later in this Notice.

Approval is conditioned upon receipt by December 31, 1979 of an evaluation, using EPA modeling methods, of the impact of the magnesium oxide recovery stack "upset conditions" showing that NAAQS will not be violated.

D. Total Suspended Particluates (TSP)

There are several areas of the state which originally were designated non-attainment for TSP. After a careful review of air quality data the DEP has prepared plans to attain TSP standards before December, 1982.

1. *Bangor/Brewer.* Bangor and Brewer were designated non-attainment for primary TSP standards in the March 3, 1978 **Federal Register**. Particulate emissions from "traditional" sources include fuel burning, solid waste disposal, and industrial processes in the two towns and totalled 320 TPY (tons per year) in 1977. Within a one mile radius of a violating monitor site, however, 1978 "non-traditional" particulate emissions (primarily dust from paved roads) totalled 340 TPY.

Description of the Plan: Intensive special TSP sampling, aerometric data analyses, and EPA approved dispersion modeling form the basis of the plan's control strategy. Dispersion modeling revealed that traditional particulate emissions do not significantly contribute to standards violations in Bangor/Brewer. Further, an analysis of air quality and siting data indicated that Bangor's TSP primary standards violations resulted from the undue and localized influence of traffic on improperly sited monitors. Consequently, the DEP has requested a redesignation from non-attainment for primary to non-attainment for the secondary TSP NAAQS only. DEP's attainment plan for Bangor/Brewer therefore, considers secondary TSP standards attainment at properly sited monitors only. The plan provides for attainment of secondary standards by December, 1980 through a schedule which will evaluate the effectiveness of, and adopt and implement a program of vaccum street sweeping throughout the non-attainment area. Current assessments of the effectiveness of such a program indicate that the plan will attain TSP secondary standards. The plan, however, also commits the DEP to evaluate regulations equivalent to reasonably available control technology for traditional sources in Bangor/Brewer before January 1, 1980 and to adopt such requirements if it can be shown to expedite attainment of ambient standards.

Issues: There are no significant issues.

Proposed Action: The Agency is proposing approval of this portion of the SIP since it meets the requirements of Part D except Sections 172(b) (1), (6), (7) and (9) which are discussed later in this Notice.

Approval is also being proposed under 40 CFR Part 81 of the redesignation of Bangor/Brewer from primary non-attainment to secondary standards non-attainment.

2. *Augusta.* In the March 3, 1978 **Federal Register** the City of Augusta was designated non-attainment for the secondary total suspended particulate standard. In 1977 "traditional" particulate sources in Augusta emitted roughly 220 tons of particulates, while "non-traditional" sources (mostly dust reentrained from paved roads) emitted 700 tons of particulates.

Description of the Plan: The TSP secondary standards attainment plan includes an evaluation of the source categories contributing to standards violations in Augusta. Optical microscopy analyses of samples collected in Augusta suggest that non-traditional sources are the most important contributors to TSP levels when secondary standards violations are recorded. The DEP has also applied an empirical technique to Augusta's emission inventory and found, again, that paved road emissions were the single major cause of standards violations. The DEP has made a commitment to adopt and implement a program of vacuum street sweeping in Augusta, contingent on the successful demonstration of this measure's control effectiveness elsewhere in Maine (Bangor/Brewer). Standards would be attained by December, 1980. Because particulate filter analyses indicated that fuel burning was the second most

important component on TSP samples, the DEP will evaluate the need for additional control of particulates emitted from fuel burning. If regulations equivalent to reasonably available control technology (RACT) are not now in place and additional controls are warranted, the DEP will adopt such requirements for fuel burning sources at a later time.

Issues: While the DEP has demonstrated attainment of standards through a proposal for vacuum street sweeping, no adequately detailed schedule for implementing this measure was submitted. Further, since the timing of the control strategy cannot be assessed, RACT for fuel burning sources may be required to meet all Clean Air Act requirements.

Proposed Action: The Agency is proposing approval of this section of the SIP with the conditions listed below. Once they are received and approved by EPA this portion of the submittal will meet the requirements of Part D except Sections 172(b) (1), (6), (7) and (9) which are discussed later in this Notice.

Approval is conditioned upon receipt of the following information by December 31, 1979:

(1) A more detailed schedule for evaluating, adopting, and implementing a vacuum street sweeping program throughout Augusta.

(2) Definition of RACT for sources in Augusta, an assessment of the impact of sources which do not meet it, and adoption of RACT when and if it will expedite attainment of secondary NAAQS for TSP.

3. *Rockland/Thomaston.* Rockland and Thomaston were designated in the March 3, 1979 **Federal Register** as non-attainment for the secondary total suspended particulate standard. In the non-attainment area, particulate emissions result from fuel burning, industrial processes, solid waste disposal, and non-traditional particulate emissions in Rockland. The major source of particulate matter in the non-attainment area is a Portland cement plant which emits approximately 110 TPY from the cement kiln and clinker cooler emission points. In addition this plant releases roughly 2300 TPY of particulate as fugitive process and fugitive dust emissions.

Description of the Plan: The DEP has prepared and submitted a plan for Thomaston which will attain secondary NAAQS for TSP no later than November, 1981. No plan was submitted for Rockland because, after a review of air quality and monitor siting data for Rockland, the DEP has concluded that available data are inadequate to determine Rockland's attainment status. In an intensive sampling program only one TSP concentration over the secondary standard has been recorded in Rockland in the last two years. Since this single exceedance was related by optical microscopy to a nearby sand blasting operation and does not itself represent a standards violation, the DEP requested a redesignation of Rockland from secondary non-attainment to unclassifiable.

Issues: There are no significant issues.

Proposed Action: EPA is proposing approval of the Thomaston secondary TSP attainment plan as it meets the requirements of Part D except Sections 172(b)(1), (6), (7) and (9) which will be discussed later in this Notice.

Approval is also proposed under 40 CFR Part 81 of the redesignation of Rockland from secondary standards non-attainment to unclassifiable.

4. *Baileyville.* Baileyville was designated non-attainment for the secondary total suspended particulate standard in the March 3, 1978 **Federal Register.** The principal source of particulates in Baileyville is a kraft pulp mill operated by Georgia-Pacific Corporation. This facility emits 1600 TPY of particulates from fuel burning, 710 TPY from kraft recovery boilers and 260 TPY from smelt tanks and lime kilns.

Description of the Plan: Included in the plan are the results of optical microscopy on violating monitor filters and dispersion modeling for Georgia-Pacific's kraft pulp mill. Filter analyses revealed the presence of significant amounts of materials from the pulp making process. Further, two of the four boilers at the mill (including the largest) are out of compliance with Maine's present fuel burning particulate emission limitations and are operating under a Delayed Compliance Order. Emissions from both boiler stacks are subject to downwash. The attainment plan for Baileyville used dispersion modeling, which included adjustments for downwash, to demonstrate that excess particulate emissions from the two boilers caused the observed secondary standards violations. When the boilers attain compliance with Maine's present particulate emission regulations on June 30, 1979 (as required by the Delayed Compliance Order) secondary TSP NAAQS will also be attained.

Issues: There are no significant issues.

Proposed Action: The Agency is proposing approval, since this portion of the plan meets the requirements of Part D except Sections 172(b)(1), (6), (7) and (9) which are discussed later in this Notice.

5. *Lewistown/Auburn.* Lewistown and Auburn were designated non-attainment for secondary TSP standards in the March 3, 1978 **Federal Register.** Maine is now requesting that Lewistown/Auburn be redesignated from TSP secondary standards non-attainment to unclassifiable. Supporting material accompanying the request related measured TSP secondary standards violations to two temporary construction projects which were in the immediate vicinity of the monitor when violations were observed. The DEP has made a reasonable showing that violations recorded in Lewistown/Auburn in 1977 are not indicative of that area's TSP attainment status.

Issues: There are no significant issues.

Proposed Action: The Agency is proposing approval of this redesignation to unclassifiable under 40 CFR Part 81.

E. New Source Permit Program

To satisfy the requirements of Part D, the SIP must include a preconstruction review program which assures that permits for proposed major sources and major modifications may be issued only if the following requirements of Section 173 of the Act are satisfied:

§ 173(1): The proposed major source or major modification is accommodated by one or both of the following approaches:

(A) There are sufficient case-by-case offsetting emission reductions (offsets) and other emission reductions required under the SIP, so that allowable emissions from all sources when the proposed major source or major modification is to commence operation represent reasonable further progress; or

(B) Emissions resulting from the proposed major source or major modification are accommodated by the emissions growth allowance for major new sources.

§ 173(2): The proposed major source or major modification must comply with the lowest achievable emission rate (LAER) as defined in Section 171(3) of the Act.

§ 173(3): All major sources in the State owned or operated by the owner or operator of the proposed major source or major modfication must be in compliance (or on a schedule for compliance) with emission limitations and standards required by the Act.

§ 173(4): The SIP is being carried out in the non-attainment area where the proposed source is to locate.

In addition, any emission reductions required under Section 173(1)(A) must be legally binding and enforceable before the permit may be issued.

Description Of The Plan: Maine's New Source Review (NSR) regulations for new sources locating in non-attainment areas are found in the regulatory section of the plan in Chapters 108, "Emissions License Regulation", and 113, "Growth Offset Regulations". Maine requires new and modified sources to obtain an air emissions license which is equivalent to a permit and which must be renewed every two years.

Issues: Source Applicability—Subchapters 100.20 and 100.21 of the plan define major emitting sources and modifications, respectively. The Main definition of major emitting source includes any source which emits or has the potential to emit 100 tons per year of any air pollutant. Subchapter 108.10 exempts certain categories of small sources (such as 10 million Btu per hour boilers) from obtaining an emission license. The State has determined that these sources would have less than 100 tons per year potential emissions of any air pollutant.

Geographic Applicability—Subchapters 100.20 and 100.21 apply to sources locating in State-designated non-attainment areas, as well as sources whose emissions may reasonably be expected to affect such areas. The state designation process, which is contained in subchapter 114.1(b) refers to the same redesignation procedures as specified in the Act.

Section 173(1)—The Act permits the state the option of (A) offsetting new emissions on a case-by-case basis at the time of permit approval for each major source, or (B) accommodating projected new emissions through a growth allowance specified in the plan. Both options must result in reasonable further progress (RFP) toward the attainment of the National Ambient Air Quality Standards (NAAQS). Maine has chosen the first option. In order to assure that RFP toward standards attainment will be achieved, subchapter 108.5(A)(1) requires every major source to demonstrate that it has obtained offsets so that the proposed increases from its emissions, in conjunction with all existing emissions, result in a decrease in projected air pollutant concentrations in the non-attainment area. EPA has determined that, with minor regulatory changes, the plan will satisfy section 173(1) of the Act.

Regulation 113 elaborates on the offsetting procedure. Maine has defined the offsets required as air quality impact reductions. The only way to obtain air quality offsets is through emission reductions or through enhanced dispersion of the pollutant emissions. The Act, however, does not allow the use of dispersion techniques to attain standards. Maine has agreed to change Regulation 113 to require that the air quality offsets be consistent with reasonable further progress, which will be defined in accordance with the Act to mean emission reductions. This effectively limits sources to obtaining offsetting emission reductions. Maine has agreed to further document how it intends to administer its air quality offset requirements.

Section 173(2)—Subchapter 108.6(C) applies to new or modified major emitting sources locating in, or whose emissions may reasonably be expected to affect, non-attainment areas, and requires application of lowest achieveable emission rate.

Section 173(3)—Subchapter 108.5(A)(2) is equivalent to this requirement since all sources in the State owned or operated by the same source seeking a license must either be in compliance, or on an enforceable schedule for compliance with all applicable State and Federal air pollution control requirements.

Section 173(4)—Maine has no provision requiring that the plan be carried out in the non-attainment area in which the proposed sources would be constructed or modified. EPA's rule on new source restrictions (44 FR 38471 July 2, 1979) explains how EPA would carry out this portion of the Act.

Enforceability—Subchapters 108.5 and 113.2 require that all emission reductions or offsets must be legally enforceable prior to obtaining an air emission license and that they be in effect by start-up and throughout operation of the proposed source.

In the course of reviewing the Maine regulations, EPA discovered certain inadvertent errors and minor deficiencies. The State intends to amend the regulations to correct the following items:

1. Subchapter 100.1 defines "air contaminants," but subchapters 100.20 and 100.21 use the words "air pollutants." These subchapters will be amended to use the term "air contaminants" as necessary.

2. The first line of the last paragraph of subchapter 100.20 will be changed to read "location or modification," not "location of modification."

3. Subchapters 113.1(C) and (E) specify a threshold of 1000 tons per year for carbon monoxide. This threshold will be changed to 100 tons per year in order to be consistent with subchapter 100.20.

4. Subchapter 113.1(F) will be changed by replacing the word "compounds" with the words "volatile organic compounds."

5. Subchapter 113.2 will be amended to define reasonable further progress consistent with the Act, and to require that air quality impact reductions be consistent with reasonable further progress. In addition the State will submit a written explanation of the administration of Chapter 113 and Subchapter 108.5 for inclusion in the SIP narrative.

Proposed Action: The Agency is proposing approval conditioned upon submittal of the above changes by December 31, 1979. If the changes are submitted during the public comment period for this Notice, EPA would consider final unconditioned approval without further public comment. Once these conditions have been met this portion of the plan would meet the requirements of Section 172(b)(6).

F. Resources Committed

Description of the Plan: Maine has not included in its revisions a discussion of the man-years and other resources needed to carry out its proposals.

Issues and Proposed Action: The Agency is proposing approval conditioned upon receipt of the resource commitments by December 31, 1979. Once EPA determines their adequacy the Maine revisions will then meet the requirements of Part D, Section 172(b)(7).

G. Evidence of Public, Local and State Involvement

Description of the Plan: Two areawide transportation planning organizations in conjunction with two State agencies have been designated by the Governor to lead in resolving Maine's transportation related pollution. Two series of workshops on the revisions have been held. More are planned as reasonably available control measure analyses are completed. The State has also worked closely with municipal officials to institute programs for local action to attain secondary TSP standards.

Issues: In the May 1, 1979 submittal the DEP did not include an analysis of identified health, welfare, economic, energy or social effects of the revisions or a summary of public comments on the effects. However, since that date the State has forwarded to EPA a comprehensive draft analysis on these issues. In addition, the revisions do not specify a comprehensive, continuing program of public, local and state involvement in SIP development.

Proposed Action: EPA is proposing to:

1. Approve the participation and involvement efforts to date in the SIP development;

2. Approve conditionally the analysis of the effects of the revisions based upon the draft submittal and the accompanying letter of intent from the Director of the Bureau of Air Quality Control. This proposed approval is conditioned upon the State's fulfilling its commitment to submit this analysis to public hearing and to forward a summary of the public comments on the effects through the Governor to EPA by December 31, 1979. Assuming the adequacy of the December submittal, EPA would propose to approve that portion of the revisions;

3. Approve the continuing public participation element conditioned upon compliance with grant conditions to be contained in Maine's fiscal year 1980 program grant under Section 105 of the Act. EPA grant guidance to the State requires the DEP to submit by January 1, 1980 a comprehensive plan for public participation. That plan is to identify a skilled public participation staff person in the State air program with overall responsibility for carrying out an effective public participation in program and a commitment of resources to be devoted to that effort.

Once these conditions are satisfied this portion of the SIP will meet the requirements of Section 172(b)(9).

H. Adoption After Notice and Hearing

Description: Public hearings were held November 16, 1978, January 11, 1979, and the week of February 26, 1979, following 30 days public notice. These revisions were adopted by the State on March 28, April 11, and May 9, 1979.

Issues and Proposed Action: There are no significant issues. The Agency is proposing approval since this section meets the requirements of Section 172(b)(1).

II. General SIP Measures

A. Prevention of Significant Deterioration

Sections 160–169 in Part C and Section 110(a)(2)(D) of the Act establish limitations on the deterioration of air quality in those parts of the Nation where the air quality is better than required by National Ambient Air Quality Standards (NAAQS).

The amount of deterioration permitted is quantified by a table of air quality increments which appears in Section 163 of the Act. In effect, increments represent the amount of pollution that can be tolerated by an area without significantly deteriorating the clean air status of the area.

A principal means of protecting the increments is the review and regulation of new growth. At present EPA is operating a Federal permit system designed to protect the increments and will continue to do so until the State adopts an equivalent program. Regulations specifying requirements for approvable State plans are found at 40 CFR, Section 51.24 as published June 19, 1978 (43 FR 26380 to 26388).[1]

Description of the Plan: The Maine regulations pertaining to PSD are found in Chapters 100, "Definition Regulation"; 108, "Emission License Regulation"; 110, "Ambient Air Quality Standards"; 113, "Growth Offset Regulation"; and 114, "Classification of Air Quality Control Regions". In addition, certain narrative portions of the SIP explain these regulations. EPA compared the Maine regulations with the requirements of 40 CFR Section 51.24, and except where noted, has determined that the Maine plan meets these requirements. The detailed review of these requirements is available for public inspection with the other public materials pertaining to this plan at the previously specified locations. Certain aspects of the State plan, including those areas where EPA has assumed the State's intent, as well as deficiencies in the plan are noted.

Issued: Area redesignation—The plan does not contain all the requirements specified in 40 CFR Section 51.24(g) (2) and (3) for redesignation to Class III or Class I areas. The EPA Administrator retains the right to approve State redesignation requests. Therefore, in order for the EPA Administrator to approve such redesignations, the State must submit requests in accordance with the procedures specified in 40 CFR Section 52.21(g).

Modifications—The control technology requirements of the Maine plan apply to any modification. The definitional provisions of the plan fail to make clear whether a modification is a net increase of potential emissions or instead any increase ignoring any accompanying emission reductions. Maine has agreed to state in the SIP narrative that its intention is to ignore accompanying emission reductions in determining whether a proposed change would be a modification. Maine has explained that it will regulate new and reconstructed facilities in a manner consistent with EPA's PSD requirements. Specifically, Maine has agreed that reconstructed facilities whose cost exceeds 50% of the capital cost of a comparable new facility will be considered a new facility, and that new facilities will be reviewed for BACT based on their own emissions irrespective of emission reductions occurring elsewhere to the source. Maine has agreed to submit this understanding as an addition to the SIP narrative.

Phased construction—The Maine plan does not provide for BACT review of phased construction sources prior to each phase. In meetings with EPA, Maine has explained that it will not reserve the increment for any source beyond the two year licensing period, and that any source whose construction extends beyond this two year period must renew its license at which time the control technology is also reviewed. EPA's corresponding time limitation of 18 months does not represent a significantly more stringent requirement than the two year limitation contained in the Maine plan. Maine intends to submit this understanding as part of the SIP narrative.

Exemptions from air impact analysis—The Maine plan does not have as a prerequisite to air impact exemptions a requirement of no Class I impact. This will be rectified through a regulatory change. Secondly, the plan exempts sources of temporary particulate emissions from consuming PSD increment. Maine has agreed to explain in the SIP narrative that this exemption will last only so long as Section 163 of the Act would permit. Finally, the Maine plan exempts modified sources with net allowable increased emissions under 50 tons per year from impact analysis; EPA requires a zero net increase in emissions for this exemption. EPA feels that this deviation is insignificant and there for acceptable.

Accumulated emissions—The plan does not define a starting time from which emissions will be accumulated in

[1] Many of the regulations were judically challenged in the U.S. Court of Appeals for the District of Columbia Circuit. On June 18, 1979, the Court issued an opinion, *Alabama Power Company v. Costle*, No. 78–1006 (D.C. Circuit, June 18, 1979). The Court upheld in part and remanded in part the Agency's regulations. The Court also provided an opportunity for filing petitions for re-hearing, and specified that its judgment would be stayed until the Court responds to the petitions.

The Court's opinion may affect several aspects of the Maine plan for preventing significant deterioration. However, rather than awaiting the Court's final decision (expected by the end of the summer) the Agency believes it appropriate to proceed with its review of the plan based upon its existing regulations and prior conversations with the State. When the Agency receives a final opinion from the Court, it will advise the State of those changes that are required by the Court's opinion and of those provisions which may be left intact or modified in accordance with the wishes of the State.

As to the non-attainment components of the plan, the Court opinion does not impede the adoption and approval of provisions needed to satisfy the requirements of Part D. EPA will proceed to review these provisions, advising the States and the public of any aspect of the PSD decision that may be relevant to the non-attainment provisions of the Act.

order to define a modification. Maine has explained that it will consider all emission increases not included in the baseline as cumulative for purposes of defining when a major modification to a source has occurred, and will include this explanation as an addition to the SIP narrative.

Modified emissions—The Maine plan does not specify, but the State has agreed that all modeled emissions will be based on maximum allowable emissions at maximum rated capacity unless otherwise constrained by permit condition, and will include such a statement as part of the SIP narrative.

Air quality models—The Maine plan contains all the EPA requirements specified in 40 CFR Section 51.24(m) for use of EPA models and use of alternative modeling procedures. The Maine plan, however, allows the State Commissioner to approve the use of alternative models. Since under 40 CFR Section 51.24(m)(iv) the Administrator of EPA retains this right, EPA is proposing to disapprove this subsection.

Monitoring and additional impact analysis—Whereas EPA requires these analyses of all major new and modified sources, the Maine plan requires such analyses from "sources whose emissions may have significant impact on the maintenance of the State ambient air quality standards and applicable increments, or will impact a Class I area or will impact an area in which the applicable increment is known to be violated." EPA interprets the Maine regulation as less stringent than the federal requirement. The State does not agree with EPA's interpretation yet it has agreed to make the necessary regulatory change.

Sources in Class I areas—The Maine plan does not specifically provide that the State transmit to EPA a copy of every Class I permit application, or that the State notify EPA of every action related to the consideration of such permits. These actions will be accomplished through EPA reporting requirements specified in Section 105 State Air Program Grants. The plan does not provide a mechanism for Federal Land Manager notification and participation in the PSD process. The State has agreed to notify the Federal Land Manager and the State acknowledges the special rights of the Federal Land Manager in the PSD process. Maine will submit this agreement as an addition to the SIP narrative. In particular, the addition will say that, if the Federal Land Manager shows to the satisfaction of the state that emissions from the proposed source or modification would have an adverse impact on the air quality related values of the Class I area, even though the Class I increment would not be violated, it will deny the permit.

Class I variances—The regulatory portion of the State plan does not contain procedures for Class I variances. The narrative portion of the plan (Section 6.3) references Section 587 of the State air pollution control laws. Section 587 provides that sources may apply for Class I increment variances under the terms and conditions set forth in Section 165(d) of the Act. Maine has agreed to submit the State law as an addition to the SIP narrative.

Public participation—The regulatory portion of the State plan does not contain public participation requirements. The narrative portion of the SIP references Department Regulations for Processing of Applications and Regulations for Hearings on Applications. The State intends to supplement the information in the narrative. The State has orally outlined the following procedure: After receiving a complete application, the State would publish a 30-day advance notice of availability in a newspaper of general local circulation. This notice of availability would give any member of the public the right to view the application, to receive a copy of the State's finding of fact and order (equivalent to EPA's preliminary determination) when completed, upon request, as well as the right to request a public hearing. The Agency has established criteria governing the granting of public hearings. The notice of availability would be mailed to EPA, affected Federal Land Managers, state and local governments, regional planning agencies and affected Indian governing bodies. After reviewing public comments, the air agency would issue a finding of fact and order (which includes information about PSD increment consumption) one week prior to consideration of the license by the Board of Environmental Protection. Any member of the public could appear before the Board to present information, and could petition the Board for reconsideration of a public hearing request. The final action on the application would be taken by the Board. In addition, Board meeting agenda are published in the air agency publication *Environews*. EPA has determined that the State public participation procedures are equivalent to EPA's.

EPA has determined that the State plan satisfactorily meets the PSD requirements of 40 CFR 51.24 with certain exceptions. The deficiencies in the State plan are minor and few in number.

Proposed Action: EPA is proposing to approve the Maine PSD plan [(except Section 108.3(A)(3))] upon receipt of the amendments noted below by December 31, 1979. (This time is necessary to obtain legislative aproval of some of the regulatory changes.) If these amendments and changes raise any substantive issues not discussed in this Notice, EPA will repropose action to provide adequate opportunity for public comment on the new issues. Otherwise, EPA intends to approve fully this portion of the SIP upon receipt of the completed changes.

The State will amend the following regulations by December 31, 1979:

1. Subchapter 108.3(c)—The words "the maintenance of the State" will be deleted, in order to clarify that Maine's air quality monitoring requirements would be consistent with EPA's.
2. Subchapter 108.3(e)—These exemptions will not apply to sources impacting a Class I area.
3. Subchapter 108.3(e)—The words "this subpart" will be replaced with the words "subpart C."

The State will submit by December 31, 1979 the following as additions to the SIP:

1. Modification.
2. Phased construction.
3. Accumulated emissions.
4. Modified emissions.
5. Sources in Class I areas.
6. Class I variance procedures.
7. Public participation procedures.

EPA is also proposing to disapprove Regulation 108.3(A)(3) pertaining to State approval of alternative models.

B. *Permit Fees*—Section 110(a)(2)(K) requires each state to institute a fee system for those sources applying for a permit to cover the administrative costs of reviewing that application as well as those incurred in monitoring and enforcing the permit conditions.

Maine has had an applicable regulation, No. 130, since 1974 governing fees for air emission licenses. This submittal proposes to add this regulation to Chapter 10 of Maine's existing SIP. The fees are collected annually.

Proposed Action: The Agency is proposing approval.

C. *Consultation*—Section 121 requires a state to provide a satisfactory process for consultation with local governments and federal land managers on the development of the SIP.

Lewiston-Auburn Comprehensive Transportation Study (LACTS) and Portland Area Comprehensive Transportation Study (PACTS) have

been designated the lead for transportation planning for their areas. The policy committee of these groups is composed of local officials. In addition, any major new source is required to file its air emission license application with the affected community prior to submission of the application to the State. This submittal would also add to Section 9 of Chapter 9 of Maine's existing SIP a requirement that the Department make available to federal land managers all pertinent information on the SIP, pertinent laws, regulations, standards, and any major new source or control strategy.

EPA has recently promulgated regulations governing consultation. Although Maine has met in part the spirit of those requirements in these revisions, the new regulations require Maine to submit a comprehensive SIP revision to meet the provisions of Section 121 by December 18, 1979.

Proposed Action: None at this time.

D. *Stack Height*—Section 123 of the Act requires that the degree of emission limitation may not be affected by stack height in excess of good engineering practice or by dispersion techniques. Maine's Regulation 108.6(D) is consistent with Section 123. EPA has proposed stack height regulations on January 12, 1979 but has not yet promulgated the final regulations.

Proposed Action: EPA is proposing to approve this portion of the SIP.

E. *Interstate Pollution*—Section 126 requires states to identify existing major sources which may signficantly contribute to air pollution levels and provide written notice to nearby states. In addition, it must do the same for any proposed major new stationary sources.

The State of Maine makes no comparable provision in this submittal.

Proposed Action: No action at this time.

F. *Public Notification*—Section 127 requires each state to effect measures for notifying the public on a regular basis of instances or areas in which any primary standard is exceeded and to enhance public awareness of measures which can prevent the standards from being exceeded.

The Maine submittal makes no provision for regular notification to the public of standards exceedances.

Proposed Action: None at this time.

G. *Conflict of Interest*—Section 128 requires that any existing state board which is empowered to approve or enforce permits required under the Act must have as a majority members who represent the public interest. Any members with any potential conflict of interest must disclose that fact.

The Maine submission does not include such provision for its existing Board.

Proposed Action: None at this time.

Interested persons are invited to comment on all elements of the Maine revision and whether it meets the requirements of the Clean Air Act. Comments should be submitted, preferably in triplicate, to the address listed in the front of this notice. Public comments received by (30 days after publication of this notice) will be considered in EPA's final decision on the SIP. EPA believes the available period for comments is adequate because:

(1) The issues involved in the Maine SIP are sufficiently clear to allow comments to be developed in the available thirty day period;

(2) The SIP has been available for inspection and comment since May 1, 1979. EPA's notice of availability published on May 29, 1979 indicated that possibility that the comment period may be less than 60 days; and

(3) EPA has a responsibility under the Act to take final action as soon as possible after the July 1, 1979, deadline on those sections of the SIP that address the requirements of Part D.

All comments received will be available for inspection at EPA's Region I office Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: July 9, 1979.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FR Doc. 79-23791 Filed 7-31-79; 8:45 a.m.]

BILLING CODE 6560-01-M

[40 CFR Part 162]

[FRL-1265-1; OPP-30029]

Pesticide Use Restrictions

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Proposed rule.

SUMMARY: This rule would amend 40 CFR 162.31 by adding uses of active ingredients which the Agency proposes to classify for restricted use under the procedures of 40 CFR 162.30. The purpose of this notice is to solicit comments from registrants, users, and other interested parties on the proposed use restrictions.

DATE: Comments must be received on or before October 1, 1979.

ADDRESS COMMENTS TO: Document Control Officer, Chemical Information Division (TS-793), Room 447, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Comments should be filed in triplicate if possible and bear identifying notation "OPP-30029." All written comments will be available for public inspection from 8:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Walter Waldrop (TS-770), Office of Pesticide Programs, Environmental Protection Agency, 499 South Capitol Street, SW., Marfair Building, 3rd Floor, Washington, D.C. 20460 (202-472-9403).

SUPPLEMENTARY INFORMATION: On September 1, 1977, the agency published final regulations establishing optional procedures for the classification of pesticide used by regulation. At the same time, the Agency also published three related documents. One document proposed regulations establishing procedures for registrants to follow after a use is classified by regulation for restricted use. The second document was a proposed rule listing certain uses of 23 active ingredients to be classified by regulation for restricted use. The third document was an advance notice of proposed rulemaking listing 38 additional active ingredients the Agency planned to consider for purposes of classification by regulation in the immediate future. All four documents were published as a separate part in the Federal Register of September 1, 1977 (42 FR 44170, No. 170, Part IV).

On February 9, 1978 (43 FR 5782), the Agency published final regulations establishing procedures to be followed by registrants after a pesticide use is classified by regulation for restricted use and a final regulation classifying certain uses of 23 active ingredients for restricted use.

This proposed rule includes: (a) Uses of thirteen of the 38 active ingredients identified in the September 1, 1977 advance notice of proposed rulemaking, and (b) the granular formulations of eight other active ingredients that previously have had other formulations or use patterns classified (or proposed to be classified) for restricted use. The Agency proposes to classify these uses

for restricted use pursuant to the optional procedures of 40 CFR 162.30 and to limit them to use by or under the direct supervision of a certified applicator.

Included with the granular formulations is a proposed restriction of granular formulations of carbofuran for use on rice. This particular use was previously proposed for restricted use on January 9, 1979 (44 FR 1991); however, during the public comment period, the registrant objected to the proposed restriction and submitted new information to the Agency. In summary, the registrant cited an absence of reported incidents as support for not classifying the rice use as restricted.

It is the Agency's belief that a lack of reports of adverse incidents may be due in large part to the poor reporting of wildlife incidents and the relatively minor importance many reporting sources place on wildlife kills as compared to incidents involving human injury. In addition, it is important to emphasize that the Agency is concerned not only with demonstrated adverse effects but with *potential* adverse effects as well, as set forth in the preamble to the Agency's registration, reregistration and classification procedures (40 FR 28242, July 3, 1975). In any event, the Agency has reviewed certain other data that shows that field mortality of both aquatic and avian organisms has occurred from the use of carbofuran in rice fields and consequently believes that this use should be restricted. However, in order to afford the registrant an opportunity to review and comment upon this data, the Agency is reproposing the use of carbofuran on rice as a restricted use.

As a general matter, the optional procedures for classification of pesticide uses by regulation (40 CFR 162.30) provide that a use shall be classified for restricted use if the Administrator determines that the incremental risks of unrestricted use outweigh the incremental benefits of unrestricted use. In making this determination, the regulations direct the Administrator to apply the criteria for classification specified in 40 CFR 162.11(c) (1), (2), and (4). Those criteria, which were previously promulgated through rulemaking as part of the Agency's Registration, Reregistration and Classification Procedures (40 CFR Part 162; 40 FR 28242, July 3, 1975), establish both numerical and categorical standards for assessing the potential hazards of a pesticide in terms of its acute dermal, oral and inhalation toxicity and in terms of its subacute, chronic or delayed toxic effects on man or other nontarget organisms or based upon such other evidence as human epidemiologic data, use history, accident data or monitoring data.

The Agency's toxicologists and environmental specialists first examined available field and laboratory data relating to the acute toxicity of each of the active ingredients and formulations subject to this proposal to determine whether they met the criteria for general use classification as specified in § 162.11(c). In previous classifications by regulation, the Agency's focus with respect to human safety had been on the acute dermal and acute inhalation toxicity properties of the formulations under consideration. With respect to the granular formulations covered by the present proposal, however, the Agency also focused on the acute oral toxicity as a criterion for restricted use for the non-domestic uses. In that regard, § 162.11(c)(2)(ii)(A) provides that a non-domestic use of a previously registered product shall not be a candidate for general use if the formulation meets the criteria of Toxicity Category I; and § 162.10(h)(1) indicates that the acute oral toxicity criterion for Toxicity Category I is an acute oral LD_{50} which is less than or equal to 50 mg/kg. Accordingly, if a granular formulation had an acute oral LD_{50} less than or equal to 50 mg/kg, it was not considered to be a candidate for general use.

In determining to review the oral toxicity of the granular formulations, the Agency was influenced by several factors. First, it was concerned with the potential for inadvertent ingestion exposure to granular formulations by the user during loading, application, equipment calibration, equipment maintenance, and cleaning, and handling of containers during disposal. Second, it was also extremely concerned about the possible accidental ingestion exposure of children, pets and farm animals during storage of the granular formulations. In that regard, the classification criteria of § 162.11(c) generally provide for an extra margin of safety in domestic use situations where children and pets are likely to have access to pesticides. In general, the farm environment is considered to be non-domestic, but obviously children living on the farm, pets, and farm animals often have access to stored pesticides and the Agency believes that this should be considered in assessing the hazard of non-domestic use pesticides. Several cases of farm animals dying from ingesting stored granular pesticides have been reported.

Finally, in assessing the hazards posed by the use of granular formulations, the Agency sought advice from USDA Cooperative Extension Service personnel and State regulatory officials in States where granular formulations are widely used. They confirmed that oral toxicity of granular formulations is a legitimate concern in non-domestic use situations. Specifically, they mentioned the importance of oral toxicity with respect to potential hazards associated with equipment cleaning, maintenance and product storage.

If the Agency review indicated that any uses or formulations under consideration did not meet the general use criteria, the Agency proceeded, in accordance with § 162.11(c)(3), to review sample label and labeling in order to assess its adequacy to prevent unreasonable adverse effects on man or the environment without further regulatory restrictions (including classification for restricted use). If the label and labeling failed to meet the criteria for adequacy, the Agency concluded that a significant risk was associated with the use of the pesticide at issue and that it was a candidate for classification for restricted use.

Finally, the Agency determined whether or not that identified risk of use would be reduced by classification for restricted use and limitation to use by or under the direct supervision of certified applicators. If so, it further determined whether or not the benefits of use would also be reduced by such a restriction. The incremental reductions were then compared, and if the incremental risks of unrestricted use (i.e., those over and above the risks of restricted use) were determined to outweigh the incremental benefits from unrestricted use (i.e., those over and above the benefits of restricted use), the use was proposed to be classified for restricted use.

For each formulation and use pattern of each active ingredient covered by the proposed rule, the Agency has identified the classification criteria of § 162.11(c) which were exceeded so as to require classification for restricted use. The Agency has also, for each active ingredient, compiled a file containing the toxicological and environmental reviews of data, the reviews of label and labeling adequacy, and the incremental risk/benefit analyses which support the proposed classification decisions. Also available are comments from State Lead Agency and Extension Service personnel. These files are available for public inspection from 8:30 a.m. to 4 p.m., Monday through Friday; interested persons should contact Walter Waldrop at the above address and telephone

number to arrange and coordinate such inspections.

It is important to note that this regulation only classifies uses for restricted use. If a use is not classified for restricted use by this regulation, it does not mean that it is classified for general use under Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA); it merely means that that use has not yet been classified for either general use or restricted use. The Agency is not classifying uses for general use by regulation primarily because such a decision requires an evaluation of chronic data. Review of chronic data has not been a part of classification by regulation since much of that data has yet to be generated and submitted to the Agency.

The Agency has also indicated that certain uses and/or formulations are "under evaluation". It has applied this term to those uses/formulations that are still under active review for purposes of classification by regulation. The practical effect of a use/formulation being designated "under evaluation" is the same as that of "unclassified", i.e. such use/formulation will still be generally available to all consumers. Further, any use/formulation that is "under evaluation" would require no action on the part of any potentially affected registrant. A final classification determination of those uses/formulations which are "under evaluation" *may* be made through these optional classification-by-regulation procedures or may be deferred until the time of reregistration.

Regulatory Analysis

The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under Executive Order 12044.

Evaluation Plan

Section 2(d)(8) of Executive Order 12044 requires that each new significant regulation have a plan for evaluating its effectiveness. All restricted use classification decisions promulgated under this rulemaking will be reviewed by the Agency at the time of reregistration as part of the overall risk-benefit analysis to be undertaken at that time. For a discussion of the difference between that overall risk-benefit analysis, and the incremental risk-benefit analysis performed under the Optional Procedures of 40 CFR 162.30, see the preamble to the Optional Procedures at 42 FR 44170.

Statutory Review

The U.S. Department of Agriculture has reviewed the proposed regulation in accordance with Section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and concurs with its publication in the Federal Register. The FIFRA Scientific Advisory Panel reviewed the proposed regulation in accordance with Section 25(d) of FIFRA and offered several comments on the proposed rule. These comments and the Agency's response follow.

(1) The Panel believed that the term "unclassified" is confusing and suggested that the Agency provide a clear definition of the term. The preamble to this regulation already contains an explanatory paragraph on this subject.

As a practical matter a use which remains "unclassified" will be generally available to all consumers, since certification would not be required for purchase and use.

(2) It was the opinion of the Panel that there is currently no evidence that granular formulations of pesticides which are adequately incorporated into the soil present a hazard to avian species and that such formulations should not be classified for restricted use. The Agency recognizes that theoretically there should be a reduced hazard to avian species when directions for use call for soil incorporation since exposure to the granules should be minimized. However, it is the Agency's belief that as a practical matter, a significant amount of granules remain on the soil surface or are generally not adequately incorporated into the soil and consequently do present a significant potential hazard to avian species. Accordingly, the Agency has determined to propose restricted use classification for soil incorporated granular formulations and to solicit public comments from the user community, industry and the general public during the formal comment period.

(3) The Panel disagreed with the estimate of potential risk to avian species associated with the turf and citrus uses of cycloheximide. The Agency has reconsidered its position, and has determined that it is appropriate to classify for restricted use only those product uses formulated with concentrations greater than 4% cycloheximide, based on the dermal toxicity of such formulations.

(4) The Panel suggested that the Agency reconsider the trigger for avian oral toxicity for oxamyl granular formulations (10% or more) in view of the data presented at the meeting by the registrant. However, the data cited by the registrant pertained to the *rat* oral LD_{50} and would not directly affect the Agency's determination of potential *avian* hazard since the Agency only uses acute oral LD_{50} test data on representative *avian* species in determining avian hazard. Nevertheless, the data cited at the meeting would affect all the proposed restrictions based on human hazard since the data would place the 10% granular formulation in toxicity category II rather than toxicity category I (acute oral LD_{50}<50 mg/kg).

In light of the fact that the registrant does not currently market the granular formulation in the U.S., the Agency has decided to place all the proposed restrictions of the granular formulations "under evaluation" until the submitted data can be reviewed.

(5) The Panel recommended that the Agency reexamine the rat oral LD_{50} estimate for oxamyl liquid formulations (24% and greater) based on data provided by the registrant at the public meeting. In this regard, the Panel also disagreed with the Agency's reliance upon accident data (discussing a single fatality, apparently as the result of misuse) as the basis for its restriction of the oxamyl 24% liquid formulation. The interpretation and significance of accident data as an indicator of hazard requiring a restricted use classification is by necessity very subjective. However, following the Panel meeting the registrant supplied additional data to the Agency that indicates that the 24% liquid presents an inhalation hazard warranting a restricted use classification. Consequently the Agency will use the inhalation data as the basis for restriction and will not rely upon the accident history. Moreover, because of the time constraints in publishing this regulation and in light of the submission of the inhalation data, the oral toxicity data referred to above will not be further reviewed at this time.

The Scientific Advisory Panel report is published in its entirety below.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel

Review of Proposed Regulation for Amendment of 40 CFR 162.31 by Adding Uses of Active Ingredients which the Agency Proposes to classify for Restricted Use under the Procedures of 40 CFR 162.30.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel completed review of proposed rulemaking for classification of certain uses of twenty-one additional active ingredients as restricted uses during the twenty-second

meeting of the Panel, held in Alexandria, Virginia, during the period May 9–10, 1979.

Maximum public participation was encouraged for discussion of the document under review. During the meeting, public comments wre received from representatives of EPA; the pesticide industry; and the National Agricultural Chemicals Association. Public Notice of the meeting was published in the **Federal Register** on April 23, 1979. In addition, special mailings and telephonic notices were sent to persons who had previously indicated an interest in activities of the Panel.

In consideration of all matters brought out during the meeting and careful review of all documents submitted by the Agency, the Panel unanimously submits the following report:

The FIFRA Scientific Advisory Panel concurs with the document submitted on April 9, 1979, outlining proposed rulemaking for classification of pesticides with the following exceptions and general comments:

1. The term "unclassified" is confusing. It would appear that a clear definition of what the Agency means by "unclassified" would be useful and instructive to all parties.

2. *Granular Formulations.* In the opinion of the Panel there is currently no evidence that granular formulations of pesticides which are adequately incorporated into the soil present a threat to avian species. Therefore, such formulations (soil-incorporated) should not be classified as restricted until an adequate body of scientific data ia accumulated to prove otherwise.

3. *Cycloheximide.* The Panel disagrees with the estimate of potential risk for cycloheximide residues on avian species from its use on turf an citrus according to label directions. Because of the small application rate of this compound it does not appear that avian species would be exposed to sufficient amounts of cycloheximide to pose a significant risk.

4. *Oxamyl.* a. The Agency should reconsider the trigger for avian oral toxicity for granulars of 10% or more in view of the data presented at the meeting by DuPont.

b. We recommend the Agency reexamine the rat oral LD 50 estimate for liquid formulations containing active ingredients of 24% or greater. Data supporting oral toxicity as a trigger for restricted status of these formulations was provided by the DuPont Company during the meeting. Also, in regard to liquid formulations of oxamyl, the Panel does not agree that a pesticide or pesticide formulation should be classified as restricted on the basis of a single fatal event which, apparently, was the result of misuse. It was not possible for the Panel to make a reasonable judgment on the potential for human hazard from this chemical without a more complete study of the accident history.

General Comments. In future meetings concerning classification or reclassification of pesticides, the Scientific Advisory Panel requests that more detailed information relative to human morbidity and mortality be provided on pesticides under review.

For the Chairman.

Dated: May 21, 1979.

H. Wade Fowler, Jr., Ph.D.,

Executive Secretary FIFRA Scientific Advisory Panel.

(Sec. 3, 25(a), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 136 et seq.))

Dated: July 26, 1979.

Barbara Blum,

Acting Administrator.

It is proposed that 40 CFR 162.31 be amended by alphabetically inserting the following items in the table:

BILLING CODE 6560-01-M

§162.31 Pesticide Use Classification

The following uses of pesticide products containing the active ingredients specified below have been classified for restricted use and are limited to use by or under the direct supervision of a certified applicator.

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION[2]	CRITERIA INFLUENCING RESTRICTION
ALDICARB	Granular formulations 10% and greater	Agricultural Uses	Restricted	Acute oral toxicity Residue effects on avian species
CARBOFURAN	All granular formulations 2% and greater	All non-domestic uses except on pine (plantations and seed orchards) and cottonwood (commercial and nursery plantings)	Restricted	Residue effects on avian species
		Pine and cottonwood as noted above.	Unclassified	
		Rice	Restricted	Residue effects on avian species Effects on aquatic organisms
		Siberian Elm Domestic use	Under Evaluation	
CARBON DISULFIDE	All formulations	Indoor uses (grain fumigation)	Restricted	Other Hazards-Use and accident history
		Control of woodchuck, ground squirrel, prairie dog, and rats	Restricted	Hazard to non-target organisms
		Other outdoor uses	Unclassified	
CHLOROPICRIN	All formulations greater than 2%	All uses	Restricted	Acute inhalation toxicity
	All formulations	Rodent control	Restricted	Hazard to non-target organisms
	All formulations 2% and less	Outdoor uses (other than rodent control)	Unclassified	
CYCLOHEXIMIDE	All formulations greater than 4%	All uses	Restricted	Acute dermal toxicity
	All formulations 0.027% to 4%	All uses	Under evaluation	
	0.027% and less	Domestic uses	Unclassified	
DISULFOTON	Granular formulations 10% and greater	Agricultural uses	Restricted	Acute oral toxicity
	All granular formulations greater than 2%	Agricultural uses except for seed beds and transplant beds	Restricted	Residue effects on avian species

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION[2]	CRITERIA INFLUENCING RESTRICTION
DISULFOTON (Continued)	Granular formulations 5% and greater with ethoprop 10% and greater	All uses	Restricted	Residue effects on avian species Acute dermal toxicity
	Granular and fertilizer formulations 2% and below	All uses (Domestic and non-domestic)	Under evaluation	
	Cartridge injection 2% and below	Domestic use	Unclassified	
DICROTOPHOS	All liquid formulations 8% and greater	All uses	Restricted	Acute dermal toxicity Residue effects on avian species (except for tree injection)
ETHOPROP	Granular and fertilizer formulations 3% and greater	All uses	Restricted	Residue effects on avian species
	Granular formulations 10% and greater with disulfoton 5% and greater	All uses	Restricted	Acute dermal toxicity Residue effects on avian species
EPN	All liquid and dry formulations greater than 4%	All uses	Restricted	Acute dermal toxicity Acute inhalation toxicity Residue effects on avian species
		Aquatic uses	Restricted	Effects on aquatic organisms
	All granular formulations 2% and greater	All uses	Restricted	Residue effects on avian species
FENAMIPHOS	Granular formulations 10% and greater	All uses	Restricted	Residue effects on avian species
	Granular fomulations 15% and greater	All uses	Restricted	Acute oral toxicity Residue effects on avian species
FENSULFOTHION	All granular and fertilizer formulations greater than 2%	All uses	Restricted	Acute oral toxicity Residue effects on avian species (except treatment of beds, plant benches and potting soil)
FENTHION	All formulations	Aquatic uses	Restricted	Residue effects on avian species Effects on aquatic organisms
		Ornamental (non-domestic)	Restricted	Residue effects on avian species
		Bird Control	Restricted	Hazard to non-target organisms
	All liquid formulations 70% and greater	All uses	Restricted	Acute dermal toxicity
	All formulations less than 70%	All non-domestic uses on livestock, agricultural premises, food handling establishments, building surfaces	Unclassified	
	All formulations 5% and less	All domestic uses	Unclassified	

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION[2]	CRITERIA INFLUENCING RESTRICTION
FONOFOS	Granular formulations 5% and greater	All uses	Restricted	Residue effects on avian species
	Granular formulations 20% and greater	All uses	Restricted	Acute oral toxicity Residue effects on avian species
	Granular formulations 2% and less	Domestic use	Under evaluation	
METHAMIDOPHOS	Liquid formulations 40% and greater	All uses	Restricted	Acute dermal toxicity Residue effects on avian species
	Dust formulations 2.5% and greater	All uses	Restricted	Residue effects on avian species
METHIDATHION	All formulations	All uses except nursery stock, safflower and sunflower	Restricted	Residue effects on avian species
	All formulations	Nursery stock, safflower and sunflower	Unclassified	
NICOTINE (alkaloid)	Liquid and dry formulations 14% and above	Indoor (greenhouse)	Restricted	Acute inhalation toxicity
	All formulations	Applications to cranberries	Restricted	Effects to aquatic organisms
	Liquid and dry formulations 1.5% and less	All uses (domestic and non-domestic)	Unclassified	
OXAMYL	Granular formulations 10% and greater	All uses	Under evaluation	
	Liquid formulations 24% and greater	All uses	Restricted	Acute inhalation toxicity Residue effects on avian species [applies only to uses on celery (Florida), foliar applications to ornamentals, and foliar treatment to tobacco]
PHORATE	Granular formulations 5% and greater	All uses	Restricted	Acute oral toxicity Acute dermal toxicity Residue effects on avian species
	Fertilizer formulations 1.25% and less	All uses	Under evaluation	
TEMEPHOS	All dry and liquid formulations	Aquatic uses	Restricted	Effects on aquatic organisms
	All liquid formulations	Orchard	Restricted	Residue effects on avian species
	Dog and cat collars 40.7% or less	Domestic use on pets	Unclassified	

[FR Doc. 79-23614 Filed 7-31-79; 8:45 am]
BILLING CODE 6560-01-C

FEDERAL EMERGENCY MANAGEMENT AGENCY

[44 CFR Part 67]

[Docket No. FI-5047]

National Flood Insurance Program; Proposed Flood Elevation Determinations

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

ACTION: Correction to proposed rule for the Town of Merrillville, Lake County, Indiana.

SUMMARY: Under the source of flooding of Chapel Manor Lateral, the elevation for the upstream side of the location Private Drive was incorrectly listed as 625 feet. The correct elevation at this location is 622 feet. Omitted as a location under that same source of flooding was Highland Road, upstream side, with an elevation of 649 feet.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), 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: July 17, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-23382 Filed 7-31-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5465]

Revision of Proposed Flood Elevation Determinations for the City of Hastings, Dakota County and Washington County, Minn.; Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Hastings, Dakota County and Washington County, Minnesota.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 26904 on May 8, 1979, and in the *Hastings Star* published on or about April 26, 1979 and May 3, 1979, and hence supersedes those previously published rules.

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100 year) elevations are available for review at the City Hall, 100 Sibley Street, Hastings, Minnesota, Send comments to: The Honorable, Walter Peterson, Mayor, City of Hastings, City Hall, 100 Sibley Street, Hastings, Minnesota 55033.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872 (in Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Hastings, 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)).

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).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Vermillion River	Just upstream from county Highway 47.	794
	Just downstream from Pleasant Drive.	801
	Western corporate limits	802
Vermillion Slough	Confluence with Vermillion River.	693
	Headwaters at Mississippi River at point of divergence.	694
Mississippi River	Eastern corporate limits	692
	Northwestern corporate limits	694
By Pass Channel	At Peavey Mill Dam	783
	Just upstream of U.S. Highway 61.	784
	Approximately 1600 feet upstream from U.S. Highway 61.	788
	Just downstream from U.S. Highway 47.	793

(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: July 20, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-23383 Filed 7-31-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-5252]

Proposed Flood Elevation Determinations for the City of Arnold, Jefferson County, Mo.; Under the National Flood Insurance Program; Correction

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 14572 of the **Federal Register** of March 13, 1979.

EFFECTIVE DATE: March 13, 1979.

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

The following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Muddy Creek	Just upstream of I-55	456
Meramec River	Just upstream of Interstate 55.	419

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Muddy Creek	Just upstream of Interstate 55.	456
Meramec River	Just upstream of U.S. Route 61-67.	419

(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: July 12, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-23384 Filed 7-31-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. FI-4713]

Proposed Flood Elevation Determinations for the City of Bellevue, Sarpy County, Nebr.; Under the National Flood Insurance Program; Correction

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

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 20211 of the Federal Register of April 4, 1979.

EFFECTIVE DATE: April 4, 1979.

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.

The following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Betz Road Ditch	Just upstream of Harvel Road.	1,075
Squaw Creek	Just upstream of Cornhusker Drive.	1,018

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Betz Road Ditch	About 550 feet upstream of Lincoln Road.	1,075
Squaw Creek	Just upstream of Cornhusker Drive.	1,019

(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: July 17, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-23385 Filed 7-31-79; 8:45 am]

BILLING CODE 4210-23-M

[44 CFR Part 67]

[Docket No. 5672]

Proposed Floodway and Zone Designations for the County of Campbell, Va., Under the National Flood Insurance Program

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

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed floodway and zone designations described below.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed floodway and zone designations are available for review at the Campbell County Offices, Rustburg, Virginia.

Send comments to: Mr. Donald N. Johnston, P.O. Box 100, Rustburg, Virginia 24588.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed floodway and zone designations for the County of Campbell, Virginia, 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).

Zone designations and base (100-year flood elevations, together with the flood plain management measures required § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed floodway and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed determinations are:

A portion of Leesville Lake is designated a floodway.

Portions of the Special Flood Hazard Area along the Roanoke River, Falling River, and the Brookneal Town Reservoir formerly unincorporated areas of Campbell County have been incorporated by the Town of Brookneal.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Janaury 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 27, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-23386 Filed 7-31-79; 8:45 am]

BILLING CODE 4210-01-M

[44 CFR Part 67]

[Docket No. FI-5283]

National Flood Insurance Program; Proposed Flood Elevation Determinations

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

ACTION: Correction to proposed rule for the Township of Conestoga, Lancaster County, Pennsylvania.

SUMMARY: Under the source of flooding of Conestoga Creek, the elevation for the location of "Weir Dam—Elevation 195.2 feet" was incorrectly listed as 204 feet. The correct elevation at this location is 207 feet.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, National Flood Insurance Program, (202) 755-5581 or Toll Free Line (800) 424-8872, In Alaska and Hawaii call Toll Free Line, (800) 424-9080), 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: July 16, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-23683 Filed 7-31-79; 8:45 am]

BILLING CODE 4210-23-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Gen. Docket No. 78-391; FCC 79-456]

Improvements to UHF Television Reception; Order Setting Deadline for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein sets date for reply comments in *Docket 78-391, Notice of Inquiry, Improvements to UHF Television Reception* (January 17, 1979; 44 FR 3656).

DATE: Reply comments must be filed on or before September 14, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip Gieseler, Office of Plans and Policy, (202) 653-5940.

SUPPLEMENTARY INFORMATION:

In the matter of improvements to UHF television reception.

Adopted: July 23, 1979.

Released: July 25, 1979.

By the Commission: Commissioner Fogarty absent.

1. On December 20, 1979, the Commission adopted *Notice of Inquiry, Improvements to UHF Television Reception.* Deadline for filing initial comments was April 2, 1979, modified on April 12 (FCC 79-220) to May 5, 1979.

2. The *Notice* stated that a date for reply comments would be set after initial comments were received and summarized.

3. Initial comments have been summarized, and are available for inspection in the FCC's Public Information Division.

4. Accordingly, IT IS ORDERED that the deadline for reply comments in the above captioned proceeding be set for September 14, 1979.

5. Action is taken pursuant to Section 4(i) of the Communications Act of 1934, as amended.

FEDERAL COMMUNICATIONS COMMISSION.

William J. Tricarico,

Secretary.

[FR Doc. 79-23741 Filed 7-31-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administation

[50 CFR Part 652]

Atlantic Surf Clam and Ocean Quahog Fisheries: Approval of Fishery Management Plan Amendments; Proposed Rulemaking

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Approval of Fishery Management Plan Amendments; Proposed Rulemaking.

SUMMARY: Amendments to the Fishery Management Plan for the Alantic Surf Clam and Ocean Quahog Fisheries (FMP), submitted by the Mid-Atlantic Fishery Management Council (the Council) to regulate fishing during the period beginning October 1, 1979, and ending on December 31, 1979, are approved by the Assistant Administrator for Fisheries. Regulations to implement these amendments are proposed for public review and comment. The amendments extend the FMP now in effect for a three-month period by establishing the optimum yield and quotas for the fourth quarter of 1979, and extending the moratorium on the entry of additional vessels into the surf clam fishery to December 31, 1979. The amendments also bring the FMP into conformity with processor reporting requirements established by amendments to the Fishery Conservation and Management Act of 1976, as amended (the Act) and create a new procedure for determination and adjustment of allowable surf claim fishing time.

DATES: Comments must be received not later than September 16, 1979.

ADDRESS: Send comments to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235. Mark "Surf Clam Comments" on the outside of the envelope.

FOR FURTHER INFORMATION CONTRACT: Allen E. Peterson Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: On November 17, 1977, emergency regulations were published in the **Federal Register** implementing the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) (42 FR 59948). Final regulations promulgated on February 17, 1978, (43 FR 6952), specified optimum yield and quarterly quotas for the period through September 30, 1979, and established a moratorium on the entry of new vessels into the surf clam fishery, which was later extended through November 17, 1979.

The Council has submitted to the Assistant Administrator an amendment to the FMP requesting an extension of the management program established in the FMP until December 31, 1979. This is to be accomplished by establishing optimum yields and quotas for both surf clams and ocean quahogs identical to those established for the corresponding three-month period in 1978, and extending the moratorium on the entry or new vessels into the surf clam fishery which would otherwise expire on November 17, 1979. The Council's

amendment also requires additional record-keeping on the part of the surf clam and ocean quahog processors to provide information necessary for the determination of U.S. capacity to process these species, and contains language assuring the conformance of the FMP with amendments to the Act. Finally, the amendment establishes a new procedure for determination and adjustment of allowable surf clam fishing time. The Council submitted this amendment to allow sufficient time for the preparation and implementation of a significant revision of the FMP which could not be accomplished without the availability of certain information and additional working time that this amendment will allow.

In establishing an optimum yield and appropriate quarterly allocations for surf clams and ocean quahogs, the Council reviewed the available information on the condition of stocks and the industry and determined that appropriate levels for optimum yield and harvest would be those which had been established for previous similar periods in the FMP. Thus, the annual optimum yield of the surf clam fishery is 30,000,000 lbs. of meats landed. For the quahog fishery, the optimum yield is also 30,000,000 lbs. The quarterly surf clam allocation for the fourth quarter of 1979, the effective period of this amendment, is 350,000 bushels. For the ocean quahog fishery, an annual allocation of 3,000,000 bushels for the period January 1, 1979, through December 31, 1979, is established.

The FMP contained provisions for the establishment of a moratorium on the entry of additional vessels into the surf clam fishery. This moratorium was originally instituted for one year but was extended for an additional year on November 17, 1978. There has been considerable controversy among surf clam fishermen and others in the New England area concerning the application of a moratorium in that sector of the fishery. The Council did not modify the substance of the moratorium with this amendment because it believes the issue should receive full consideration in terms of the social, economic, and legal implications. The extension of the moratorium for the period of this amendment is a vital portion of the management program necessary to prevent the influx of additional fishing effort into the fishery which is already overcapitalized. Thus, the current moratorium on the entry of additional vessels into the surf clam fishery is extented to December 31, 1979.

The Act was amended during 1978 to require fishery management plans to specify U.S. capacity to harvest and process regulated species. The Council has taken action to bring the FMP into conformity with this requirement and has incorporated new reporting requirements which will facilitate future analysis of U.S. processing capacity. Responding to public comments, the Council has developed reporting requirements which are not burdensome to industry and which will satisfy fishery management needs. An annual report of processing employment, capacity, payroll, and projected capacity also will be required from all persons who buy surf clams of ocean quahogs from fishing vessels.

The FMP and its implementing regulations assign certain management decisions, including establishment of the allowable weekly surf clam fishing time at the beginning of each calendar quarter, to the Regional Director. Each quarter begins with a 4-day fishing week unless the Regional Director determines before the start of a quarter to set a lower level. It has been shown to be preferable to begin a quarter with fewer than four fishing days per week to avoid closures later in the quarter. The Council has requested that a consultation procedure be developed so that the Regional Director can be provided with information and advice from the public and the Surf Clam Committee of the Council relative to establishing an appropriate level of fishing time.

At the present time, adjustments in allowable fishing time can be made only at specified points during the course of a quarter. Thus, while the capability to identify trends in catch rates and select appropriate levels of allowable fishing time is good, it has not always been always possible to take timely action to adjust fishing time because the regulatory "trigger-point" has not been reached. The Reginal Director will now have the authority to adjust allowable fishing time at any time to avoid prolonged closures of the fishery or significant shortfalls in catch as compared to allocation.

A series of public hearings have been held relative to the Council's amendments. Hearings were held in Norfolk, VA, Tinton Falls, NJ, Newport, RI, and Ocean City, MD. The Council has considered the comments received and revised the amendments as necessary.

These amendments to the FMP are approved by the Assistant Administrator. The resulting changes to be made in the FMP are as follows:

1. Section XI–5 is amended by striking the final sentence of the second paragraph and substituting the following:

Thus appropriate quarterly allocations equivalent to an annual quota of 30 million pounds of meats from the fishery conservation zone are recommended for the period through December 31, 1979.

2. Section XII is amended striking paragraph (a) under the heading "Catch Quotas" and substituting a new paragraph (a) as follows:

(a) Catch quotas for the period from October 1, 1977, to December 31, 1979, for licensed vessels of the United States fishing for surf clams are allocated by quarterly periods, as follows:

	Bushels
(1) Surf Clam:	
Oct. 1, 1977 to Dec. 31, 1977	350,000
Jan. 1, 1978 to Mar. 31, 1979	350,000
Apr. 1, 1978 to June 30, 1978	550,000
July 1, 1978 to Sept. 30, 1978	550,000
Oct. 1, 1978 to Dec. 31, 1978	350,000
Jan. 1, 1979 to Mar. 31, 1977	350,000
Apr. 1, 1979 to June. 30, 1979	550,000
July 1, 1979 to Sept. 30, 1979	550,000
Oct. 1, 1979 to Dec. 31, 1979	350,000
(2) Ocean Quahog: Annual quota	3,000,000

3. Section XII is amended by striking the final paragraph under the heading "Vessel Moratorium" and substituting a new paragraph as follows:

The moratorium shall remain in effect until December 31, 1979, unless the Secretary determines, after consultation with the Council and after a public hearing, that the moratorium should be terminated at an earlier date.

4. Section XI–5 is amended by inserting a new paragraph between the present first and second paragraphs, as follows:

The capacity of U.S. processors to process surf clams and ocean quahogs caught by U.S. fishermen is at least as great as the quotas for these species specified in this plan.

5. Section XII is amended by revising paragraph (a) under the heading "Reports and Records as follows:

(a) Dealers:

(1) All persons who buy who buy surf clams or ocean quahogs from vessels engaged in the surf clam or ocean quahog fisheries shall provide the Regional Director of the National Marine Fisheries Service, on a weekly basis, the following information on forms supplied by the Regional Director:

(a) Dates of purchases,

(b) Number of bushels purchased, by species,

(c) Name and permit number of the vessel from which surf clams or ocean quahogs are landed or received,

(d) Price per bushel, by species,

(e) Mailing address of dealer or processing plant,

(f) Size distributions of surf clams and ocean quahogs purchased, by species, on a percentage basis, and

(g) Meat yield per bushel, by species.

(2) All persons required to submit reports under subparagraph (a)(1) are also required

to submit at least the following information to the Regional Director on an annual basis on forms supplied by the Regional Director:

(a) Number of dealer or processing plant employees, by month,

(b) Number of employees processing surf clams and ocean quahogs, by species, by month,

(c) Total payroll of surf clam and ocean quahog processing, by month,

(d) Capacity to process surf clams and ocean quahogs, by species, and

(e) projected capacity to process surf clams and ocean quahogs, by species, for the following year.

If capacity increases or decreases more than ten percent during the year, processors will promptly notify the Regional Director of the change in capacity.

(3) All persons purchasing or receiving any surf clams or ocean quahogs at sea for transport to any port of the United States must maintain and provide to the Regional Director records identical to those required under subparagraphs (a)(1) and (2) of this paragraph.

(4) Additional information may be required annually as part of the application documentation for license.

6. Section XII is amended by revising paragraph (a) under the heading "Effort Restrictions" to read as follows:

(a) Surf clam:

(1) Fishing for surf clams shall be conducted only during the period beginning 12:01 a.m. Monday and ending 11:59 p.m. Thursday. Such fishing is permitted during this period only at the times authorized by the Regional Director.

(2)(i) Prior to beginning of each quarter, the Regional Director, in consultation with the Surf Clam Committee of the Mid-Atlantic Council, shall determine what number of hours per week to allow fishing for surf clams to be conducted throughout the entire quarter so that the allocation for that quarter (as adjusted under section (a)(1) above) is not exceeded.

(2)(ii) If the Regional Director determines during the quarter that quarterly allocation will be (will not be) exceeded, he may reduce (increase) the number of hours per week during which fishing for surf clams is permitted to avoid prolonged vessel tie-up times and fluctuations in the supply of surf clams which would result if the allocations were taken rapidly during the beginning of each quarter (facilitating the catch of the full quarterly allocation).

Errata

The coversheet of the FMP as published on November 25, 1977 (42 FR 60437) contained a misprint in identifying "SURF CLAM AND OCEAN QUAHOG INDUSTRIES". The proper identification is "SURF CLAM AND OCEAN QUAHOG FISHERIES" and hereby corrected.

Note.—The implementation of these amendments by the Assistant Administrator for Fisheries does not constitute a major federal action significantly affecting the quality of the human environment. A statement of negative environmental significance is on file with the Environmental Protection Agency. The Assistant Administrator has determined that this action does not require preparation of a regulatory analysis, nor does it meet the criterial of significance, under E.O. 12044.

Signed at Washington, D.C., this 27th day of July, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

50 CFR Part 652 is proposed to be amended as follows:

1. Strike 652.6(a) and (b) and substitute the following:

§ 652.6 Catch quotas.

Catch quotas for vessels of the United states permitted to fish for surf clams or ocean quahogs are as follows:

(a) *Surf Clams.* October 1, 1979, through December 31, 1979 . . . 350,000 Bushels

(1) If the actual catch of surf clams in any quarter falls more than 5,000 bushels short of the specified quota, the Regional Director shall add the amount of the shortfall to the next succeeding quarterly quota. If the actual catch of surf clams in any quarter exceeds the specified quarterly quota, the Regional Director shall subtract the amount of the excess from the next succeeding quarterly quota.

(2) The Assistant Administrator shall publish a notice in the **Federal Register** whenever the Regional Director adjusts the quarterly quota of surf clams under subparagraph (1) of this paragraph.

(b) *Ocean Quahogs.* January 1, 1979 to December 31, 1979 . . . 3,000,000 Bushels

If necessary, the Regional Director may establish quarterly quotas for ocean quahogs, and, in that event, the Assistant Administrator shall publish a notice of such quarterly quotas in the **Federal Register.**

2. Strike §§652.7(a) (2), (3), and (4) and substitute the following:

§ 652.7 Effort Restriction.

(a) *Surf Claims.* (1) * * *

(2) Prior to the beginning of each quarter specified in § 652.6(a), the Regional Director, in consultation with the Surf Clam Committee of the Mid-Atlantic Council and in consideration of any public comment received concerning the matter, shall determine what level of effort will allow for the continued catch of surf clams throughout the entire quarter. The determination will be based both on the consultations and comments and on historical catch records with emphasis given to the data from the previous completed quarter. Any comments from members of the public concerning the appropriate level of effort for a quarter must be received by the Regional Director 30 days prior to the beginning of that quarter to allow for proper consideration. Each quarterly determination will be made in a timely manner, and published in the **Federal Register.**

(3) If the Regional Director determines during any quarter that the quarterly allocation (as adjusted under § 652.6(a)(1)) of surf clams will be exceeded at the then-current level of fishing effort, he may reduce the number of hours per week during which fishing for surf clams is permitted during that quarter to avoid prolonged closure of the fishery.

(4) If the Regional Director determines during any quarter that the quarterly allocation (as adjusted under § 652.6(a)(1) of surf clams will not be harvested at the then-current level of fishing effort, and that the catch rate has not diminished as a result of a decline in abundance of stocks of surf clams, he may increase the number of hours per week during which fishing for surf clams is permitted during that quarter to facilitate the harvest of the full quarterly allocation.

3. Strike § 652.9(b) and substitute the following:

§ 652.9 Vessel moratorium.

(a) * * *

(b) The moratorium shall remain in effect until December 31, 1979, unless the Secretary determines, after public hearings and consultation with the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils to terminate the moratorium at an earlier date.

4. Strike § 652.13(a)(1) (viii), (ix), and (x), and § 652.13(a)(2) and substitute new §§ 652.13(a) (2) and (3) as follows:

§ 652.13 Reports and Records.

(a) *Dealers.* (1) * * *

(2) All persons required to submit reports under paragraph (a)(1) of this section shall also provide the following information to the Regional Director on an annual basis on forms to be supplied by the Regional Director:

(i) Number of dealer or processing plant employees during each month of the year just ended;

(ii) Number of employees engaged in production of processed surf clam and ocean quahog products, by species, during each month of the year just ended;

(iii) Total payroll of those employees in paragraph (a)(2)(ii) of this section

during each month of the year just ended;

(iv) Plant capacity to process surf clam and ocean quahog shellstock, or to process surf clam and ocean quahog meats into finished products, by species, and

(v) Projection of paragraph (a)(2)(iv) of this section for the next year.

If the capacity in paragraph (a)(2)(iv) of this section increases or decreases more than ten percent during any year, the processor shall promptly notify the Regional Director of the change in capacity.

(3) All persons purchasing, receiving, or processing surf clams or ocean quahogs at sea for transport to any port of the United States must maintain records identical to those required by paragraphs (a) (1) and (2) of this section and provide those records to the Regional Director on the same frequency basis.

[FR Doc. 79-23769 Filed 7-31-79; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 44, No. 149
Wednesday, August 1, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Turkey Creek Watershed Project, Iowa; Notice of Intent To Not Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Turkey Creek Watershed project, Cass, Adair, Audubon, and Guthrie Counties, Iowa.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. William J. Brune, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include land treatment measures, 9 floodwater retarding dams, and 63 grade stabilization dams.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency.

The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, 515–284–4260. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until August 31, 1979.

Dated: July 24, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008.)

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79–23628 Filed 7–31–79; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Air United States, et al.; Notice of Hearing

Former Large Irregular Service Investigation, Docket 33361; Application of Air United States (Docket 32411); Application of Holiday Airways, Inc. (Docket 32410); Application of Virgin Islands Air Services, Inc. (Docket 32417); Application of United States Overseas Airlines (Docket 32415); Application of U.S. Air Coach, Inc. (Docket 32416); Application of General Airways (Docket 32531).

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearings in the above-entitled proceeding will be held beginning on September 24, 1979, at 9:30 a.m. (local time), in Hearing Room 2, Suite 12100, Federal Building, 11000 Wilshire Boulevard, Los Angeles, California, before me.

Said hearings shall commence immediately following a prehearing conference affecting only the aforesaid applications at 9:30 a.m. at the aforesaid location, the hearings to run in consecutive fashion *provided*, that in the event any particular one of the first five listed applications is concluded on the day initially heard the hearing shall recess to convene with the next consecutively listed application at 9:30 a.m. on the next day, but the sixth hearing shall commence immediately upon completion of the prior one without delay, *provided, further*, that the sequence of hearings may be adjusted by and among the applicants, the judge and other parties present at the aforesaid location during the week of September 24 through September 28 and that, as necessary, any such hearing may be continued from time to time.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served November 9, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 27, 1979.

Marvin H. Morse,

Administrative Law Judge.

[FR Doc. 79–23740 Filed 7–31–79; 8:45 am]

BILLING CODE 6320–01–M

CIVIL RIGHTS COMMISSION

Arkansas Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arkansas Advisory Committee (SAC) of the Commission will convene at 10:00 am and will end at 2:00 pm, on August 25, 1979, at the Sam Peck Motor Inn (Old Parts), 625 West Capitol, Little Rock, Arkansas 72201.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, Heritage Plaza, 418 South Main, San Antonio, Texas 78204.

The purpose of this meeting is to discuss follow-up on Arkansas Block Grant hearings.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 26, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79–23656 Filed 7–31–79; 8:45 am]

BILLING CODE 6335–01–M

Kansas Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas Advisory Committee (SAC) of the Commission will convene at 9:00 am and will end at 1:00 pm, on September 29, 1979, at Broadview Motor Hotel, Den

Room, 400 West Douglas, Wichita Kansas 67202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Bldg., Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is plan the State Advisory Committee program activity for FY 1981 and review the committees activity on existing projects.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 26, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-23655 Filed 7-31-79; 8:45 am]

BILLING CODE 6355-01-M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC of the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on September 5, 1979, at 34½ Beacon Street, Boston Massachusetts 02108.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to develop a program for Massachusetts State Advisory Committee for FY-80.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 27, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-23653 Filed 7-31-79; 8:45 am]

BILLING CODE 6335-01-M

Nebraska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 1:00 p.m., on September 5, 1979, at the Scottsbluff Inn, La Junta Room, 1901 21st Avenue, Scottsbluff, Nebraska 69391.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to plan the SAC program activity for FY 1981 and identify the committee assignments for the data gathering efforts in the Panhandle study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 26, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-23654 Filed 7-31-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Seventeen Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from seventeen firms: (1) Valley Knitting Mills, Inc., 14 Doty Road, Haskell, New Jersey 07420, a producer of sweaters (accepted July 13, 1979); (2) Dorst Manufacturing Company, 2100 Reading Road, Cincinnati, Ohio 45202, a producer of jewelry (accepted July 16, 1979); (3) Malden Knitting Mills, Inc., 303 Eastern Avenue, Malden, Massachusetts 02148, a producer of men's and women's sweaters and shirts (accepted July 16, 1979); (4) Collette Manufacturing Company, Building No. 9, DeGraff Street, Amsterdam, New York 12020, a producer of footballs, basketballs, dart board sets and other sporting goods; plus repair kits for pots and pans (accepted July 16, 1979); (5) Toby Fashions, Inc., 613 Palisade Avenue, Union City, New Jersey 07087, a producer of women's coats (accepted July 16, 1979); (6) Standard Beef, Inc., 151 Cedar Avenue, Scranton, Pennsylvania 18505, a processor of meat (accepted July 16, 1979); (7) Peter Berg and Company, Inc., 917 North Fifth Street, Minneapolis, Minnesota 55401, a producer of egg cases and filers (accepted July 17, 1979); (8) Lorraine Handbags, Inc., 79 Essex Street, Boston, Massachusetts 02111, a producer of handbags (accepted July 17, 1979); (9) Goldendale Ranch Meat Company, 1542 South Roosevelt Avenue, Goldendale, Washington 98620, a producer of meat (accepted July 17, 1979); (10) Woodward Foundries, Inc., Penn, Pennsylvania 15675, a producer of iron castings (accepted July 19, 1979); (11) Bogart Industries, Inc., 3614 McCart, Ft. Worth, Texas 76109, a producer of women's jackets, slacks, shorts, blouses and skirts (accepted July 20, 1979); (12) Kepner-Scott Shoe Company, 209 Liberty Street, Orwigsburg, Pennsylvania 17961, a producer of children's footwear (accepted July 23, 1979); (13) Winn-Tenna, Inc., 301 East Roosevelt Dr., Anderson, South Carolina 29624, a producer of CB radio and TV antennas and accessories (accepted July 23, 1979); (14) Pageant Needles, 605 Northern Boulevard, Chinchilla, Pennsylvania 18410, a producer of phonograph needles (accepted July 23, 1979); (15) C.W.C. Industries, Inc., 512 7th Ave., New York, New York 10018, a producer of women's coats (accepted July 23, 1979); (16) Synestructics, Inc., 9400 Lurline Ave., Chatsworth, California 91311, a producer of kites, other toys and play structures (accepted July 23, 1979); and (17) Skottie Electronics, Inc., Line Street, Archbald, Pennsylvania 18403, a producer of electronic capacitors (accepted July 23, 1979). The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

Charles L. Smith,

Acting Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 79-23652 Filed 7-31-79; 8:45 am]

BILLING CODE 3510-24-M

National Oceanic and Atmospheric Administration

Availability of Evaluation Findings for the Oregon, Washington, and Michigan Coastal Management Programs

Section 312 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C.1451 et seq.) requires that the Office of Coastal Zone Management (OCZM) conduct a continuing evaluation of the performance of each coastal State under its Federally approved coastal management program.

On-site evaluations of the Oregon, Washington and Michigan programs were conducted by Office of Coastal Zone Management in February 1979 in Oregon, February–March 1979 in Washington and April 1979 in Michigan.

All three States were found to be adhering to their management programs as a result of which positive results are occurring with respect to resource protection, management of development, increased recreational access and permit simplification.

Notice is hereby given of the availability of these evaluation findings to interested parties. A copy of the written findings made by the Assistant Administrator for Coastal Zone Management for of these States may be obtained on request from: Carol Sondheimer, Chief, Policy and Program Evaluation, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, telephone (202) 634–4245.

Dated: July 13, 1979.

M. P. Snidero,

Acting Assistant Administrator for Administration.

[FR Doc. 79-23629 Filed 7-31-79; 8:45 am]

BILLING CODE 3510-22-M

Notice of Preliminary Determination To Approve Amendment of the Maine Coastal Management Program

The Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA) has received a request from the State of Maine to amend its Coastal Program to include two additional towns, Veazie and Eddington, within the boundary of the program. The towns are located on the Penobscot River.

The boundary of the Maine Program is defined as "all coastal towns and townships on tidewaters, all coastal islands, and the sea to the limits of the State's jurisdiction." While a dam had prevented tidal influence as far upland as Veazie and Eddington, a 35-foot breach in the dam has extended tidal influence to the next upstream dam in Veazie making both towns eligible for inclusion in the Maine Coastal Program. Therefore, this amendment would not constitute a significant change to the program but would allow two additional towns now on tidewaters to be included within the provisions of the defined Maine coastal boundary.

The Assistant Administrator for Coastal Zone Management has reviewed the amendment request and has made a preliminary determination to approve it. The Maine Coastal Program, as changed, will still constitute an approvable program and the procedural requirements of Section 306(c) of the Act will have been met.

The Assistant Administrator has further determined that as the same policies, authorities and environmental impacts upon which the original program was approved are in effect and remain unaltered by this amendment, approval of the proposed change does not constitute a significant Federal action having a significant effect on the environment. Therefore, pursuant to the National Environmental Policy Act of 1969, as amended, an environmental impact statement will not be required by the approval action.

Comments on the preliminary determination to approve Maine's amendment request should be made on or before August 31, 1979. Address comments to: Nancy Carter, Assistant Regional Manager, North Atlantic Region, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202) 634–4126.

Dated: July 24, 1979.

R. L. Carnahan,

Deputy Assistant Administrator for Administration.

[FR Doc. 79-23701 Filed 7-31-79; 8:45 am]

BILLING CODE 3510-08-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Bank of Public Works and Services, Inc. (P220).

b. Address: Center of Spectacles, Conventions, and Exhibitions of Acapulco, Mexico, 4455 Costera Miguel Aleman Ave., Acapulco, Mexico.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins (*Tursiops truncatus*) 5. California sea lions (*Zalophus californianus*) 2.

4. Type of Take: Applicant seeks authorization to receive five Atlantic bottlenose dolphins and two California sea lions transported from Marine Animal Productions and to transport these animals back to the U.S.

5. Location of Activity:

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved. Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Services, Department of Commerce, Washington, D.C. 20235, on or before August 31, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All Statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: June 25, 1979.

William Aron,

Director, Office of Marine Mammals/ Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-23761 Filed 7-31-79; 8:45 a.m.]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Marine Animal Productions/ Marine Life Inc. (P108D).

b. Address: 150 Debuys Road, Biloxi, Mississippi 39521.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins *(Tursiops truncatus)* 5. California sea lions *(Zalophus californianus)* 2.

4. Type of Take: Tursiops—take from wild/ Zalophus—beached/stranded. Also to transport the animals authorized, or any of the holder's pre-Act or permit animals to Acapulco, Mexico, for display at the Center of Spectacles, Conventions and Exhibitions of Acapulco, Mexico, and to transport the animals back into the U.S.

5. Location of Activity: Tursiops—Gulf of Mexico between Mobile Bay and Mississippi River. Zalophus—California.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspection by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before August 31, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: July 25, 1979.

William Aron,

Director, Office of Marine Mammals/ Endangered Species, National Marine Fisheries Service.

FR Doc. 79-23762 Filed 7-31-79; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program Coordinator, National Technical Information Service.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street SW., Washington, DC 20324.

Patent application 913,188: Cabinet Lock Assembly; filed June 6, 1978.

Patent application 916,685: Broadband Helical Antennas; filed June 19, 1978.

Patent application 4,140,002: Impact Sound Stressing Holding Assembly; filed May 2, 1978; patented February 20, 1979; not available NTIS.

Patent 3,986,138: Isothermal Gas Dymanic Laser Nozzle; filed March 29, 1974; patented October 12, 1976.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research/ Code 302, Arlington, VA 22217.

Patent application 6,003,437: A High Energy Fluoroscopic Screen; filed January 15, 1979.

Patent application 949,711: Ellipticized Lens Providing Balanced Astigmatism; filed October 10, 1978.

Patent application 965,806: Free Gyro Motor Drive Circuit; filed December 4, 1978.

Patent application 972,560: Sea Water Pressure Regulator Valve; filed December 22, 1978.

Patent application 974,394: High Pressure Spherical Piston; filed December 29, 1978.

Patent 4,061,480: Vacuum Cleaner for Radioactively Contaminated Particles; filed May 20, 1976; patented December 6, 1977; not available NTIS.

Patent 4,087,063: Parachute Suspension Line Stowage Device; filed June 6, 1977; patented May 2, 1978; not available NTIS.

Patent 4,108,622: Method of Making Miniature Coupling Lens; filed February 22, 1977; patented August 22, 1978; not available NTIS.

Patent 4,110,004: Complex Photodichroic Spatial Filter; filed January 12, 1977; patented August 29, 1978; not available NTIS.

Patent 4,124,671: Method for Strengthening PZT Transducers; filed November 25, 1975; patented November 7, 1978; not available NTIS.

Patent 4,125,837: Dual Notch Fed Electric Microstrip Dipole Antennas; filed October 6, 1977; patented November 14, 1978; not available NTIS.

Patent 4,125,838: Dual Asymmetrically Fed Electric Microstrip Dipole Antennas; filed October 6, 1977; patented November 14, 1978; not available NTIS.

Patent 4,125,839: Dual Diagonally Fed Electric Microstrip Dipole Antennas; filed October 6, 1977; patented November 14, 1978; not available NTIS.

Patent 4,126,806: Intense Ion Bean Producing Reflex Triode; filed September 26, 1977; patented November 21, 1978; not available NTIS.

Patent 4,133,173: Ducted Rockets; filed June 13, 1977; patented January 9, 1979; not available NTIS.

Patent 3,842,772: Semisubmerged Ship With Bow Impact Alleviator; filed July 16, 1973; patented October 22, 1974; not available NTIS.

Patent 4,134,426: Seawater Hydraulic Motor Distributing Valve Based on a Hydrosphere Bearing; filed February 7, 1978; patented January 16, 1979; not available NTIS.

Patent 4,134,843: Deuterated Lubricant; filed March 7, 1977; patented January 16, 1979; not available NTIS.

Patent 4,138,660: Automated Flash-Bang Method and Apparatus for Determining Lighting Stroke Distances; filed September 14, 1977; patented February 6, 1979; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, DC 20546.

Patent application 6,017,886: PN Lock Indicator for Dithered PN Code Tracking Loop; filed March 6, 1979.

Patent application 6,017,887: Adaptive Polarization Separation Experiments; filed March 6, 1979.

Patent 4,110,683: Apparatus Including a Plurality of Spaced Transformers for Locating Short Circuits in Cables; filed July 8, 1977; patented August 29, 1978; not available NTIS.

Patent 4,136,211: Method of Making Bearing Materials; filed December 13, 1977; patented January 23, 1979; not available NTIS.

Patent 4,137,365: Oxygen Post-Treatment of Plastic Surface Coated with Plasma Polymerized Silicon-Containing Monomers; filed March 21, 1977; patented January 30, 1979; not available NTIS.

[FR Doc. 79-23702 Filed 7-31-79; 8:45 am]
BILLING CODE 3510-04-M

Office of Federal Statistical Policy and Standards

New Standard Reference Period for Federal Government General-Purpose Statistical Index Numbers; 30-Day Comment Period

AGENCY: Office of Federal Statistical Policy and Standards, Department of Commerce.

ACTION: Notice of 30-day public comment period on recommended change in the reference base period for Federal Government General-Purpose Statistical Index Numbers from the year 1967 (Presently used) to the year 1977, and to insert the word "statistical" in the title and appropriate places in the text of the Directive to clarify the applicability of the Directive.

SUMMARY: The reference base period is updated approximately every ten years. The Statistical Policy Coordination Committee (SPCC) has recommended that the reference period be changed to the year 1977. The SPCC is a cabinet level committee that makes recommendations on major statistical policy issues.

Introduction

The Statistical Policy Coordination Committee (SPCC) has recommended that the standard reference base period for Federal Government General Purpose Statistical Index Numbers be revised to the year 1977. The existing base period is 1967. The SPCC is a Cabinet level committee that makes recommendations on major statistical policy issues.

The reference period in index numbers is the year (or years) in production, price or other statistical series that are set equivalent to 100. This makes it relatively easy to compare rates of change among series over the years. For example, using the reference base of 1967 as 100, an index of 135 in 1979 means that the series increased by 35 percent over the 12-year period.

Issues in Updating the Reference Period

The reference period is updated approximately every ten years. This is done to (a) insure that the index is based on a reasonable approximation of the current structure of the economy, and (b) facilitate the visual comprehension of rates of change from a base period that is not too distant in time.

The year 1977 was chosen for two reasons. First, the most recent quinquennial economic census were taken for 1977, and many economic time series are benchmarked to the economic censuses. Second, the continued expansion of the economy in 1977 since the recession of 1974–1975 was relatively balanced with no particularly extreme conditions that would make it unrepresentative of the recent period.

Because of the work involved in developing new compositional "weights" of the product, price or other index components to reflect their relative importance in the new base period, the actual implementation for many series will not occur until 1981. This will also allow adequate time for agencies to announce their implementation schedules well in advance of indexing the series to the new reference period.

Public Comment Period

A 30-day comment period on the recommended change in the reference base period commences with the date of this issue of the **Federal Register.** All comments should be sent in writing to Joseph W. Duncan, Director, Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, Washington, D.C. 20230. For further information, call Norman Frumkin at (202) 673–7977.

The recommended Directive No. 5 of the Office of Federal Statistical Policy and Standards to reflect the new reference period is given below. The only changes from the existing Directive are the inclusion of the word "Statistical" in the title and replacement of the 1967 with 1977.

Directive No. 5[1]

Standard Reference Base Period For Federal Government General-Purpose Statistical Index Numbers

The year 1977 shall be the standard reference base period for general-purpose statistical index numbers prepared by Federal agencies. This requirement conforms to Government practice of establishing a standard reference base period for use by Federal agencies. The base period is revised approximately every ten years.

1. *Conversion for Earlier Years.* Each index should be converted to the 1977 reference base from the beginning of the index, where practicable.

2. *Weights.* The weight base period for an index should be as close as possible to the reference base period but they do not need to coincide. The relationship between reference and weight base period should be indicated by appropriate description.

Source: Office of Federal Statistical, Policy and Standards, U.S. Department of Commerce.

Courtenay M. Slater,
Chief Economist for the Department of Commerce.

[FR Doc. 79-23717 Filed 7-31-79; 8:45 am]
BILLING CODE 3510-07-M

U.S. Travel Service

Travel Advisory Board; Notice of Meeting

On June 25, 1979, notice was given in the **Federal Register** (44 FR, Page 37027), that the Travel Advisory Board would meet on August 14, 1979. Notice is hereby given that the Travel Advisory Board meeting will begin at 9:30 a.m. in Room 4830 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Wasington, D.C. 20230.

Established in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended, and the Act of July 19, 1940, as amended.

[1] Supersedes Directive No. 5 issued May 4, 1978.

Agenda items are as follows:

1. Reorganization of USTS.
2. 1980 Budget.
3. U.S.—Mexico Consultative Mechanism—Tourism Working Group.
4. United States Travel and Tourism Development Corporation—House of Representative Hearings.
5. International Pow Wow—New Orleans—September 1979.
6. U.S.—U.S.S.R. Economic Council—Tourism Subcommittee.
7. Miscellaneous.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Rose Marie Beaty, Travel Advisory Board Liaison Officer, of the United States Travel Service, Room 1858, U.S. Department of Commerce, Washington, D.C. 20230, (telephone (202) 377–4746) will respond to public requests for information about the meeting.

Jeanne Westphal,

Acting Assistant Secretary for Tourism.

[FR Doc. 79-23742 Filed 7-31-79; 8:45 a.m.]

BILLING CODE 3510-11-M

Patent and Trademark Office

Public Advisory Committee for Trademark Affairs; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting.

The Public Advisory Committee for Trademark Affairs will meet from 9:30 a.m. until 4:30 p.m. on September 6, 1979 at the Watergate Hotel, 2650 Virginia Avenue, NW., Washington, D.C., 20037, in the Potomac Room.

The Committee was established in 1970 to advise the Patent and Trademark Office on steps which can be taken in order to increase the efficiency and effectiveness of the administration of the Trademark Act and to provide a continuing source of knowledge from the private sector to the government in the field.

The agenda for the meeting is as follows:

(1) Introductory Remarks
(2) Resource Problems
(3) Goals of Trademark Operation
(4) Quality of Office Actions
(5) Filing Increases
(6) Separating Trademark Mail
(7) Use of Paralegals in the Trademark Operation
(8) TRT Implementing Legislation and its Potential Effect on the Trademark Examining Operation
(9) Proposed Trademark Rules Changes
(10) Renewal of Committee Charter

The meeting will be open to public observation; approximately 15 seats will be available for the public on a first come-first served basis. If time permits, oral comments by the public of 3 minutes on each topic within the above agenda will be allowed. To insure proper consideration at the meeting, any comments or suggestions relating to the agenda items should be submitted in writing before August 30. Further comments and suggestions will be accepted after the meeting on any of the matters discusssed.

Copies of the minutes will be available upon request.

Inquiries may be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Please mark all correspondence to the attention of Committee Control Officer, Patricia M. Davis, Office of Trademark Program Control, Room CP3–11C17. Telephone: 703–557–3881.

Dated: July 27, 1979.

Rene D. Tegtmeyer,

Acting Commissioner of Patents and Trademarks.

Dated: July 27, 1979.

Francis W. Wolek,

Acting Assistant Secretary for Science and Technology.

[FR Doc. 79-23682 Filed 7-31-79; 8:45 am]

BILLING CODE 3510-16-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Thursday, September 20, 1979, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

No meeting has been scheduled for the month of August.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C. July 25, 1979.

Charles H. Atherton,

Secretary.

[FR Doc. 79-23630 Filed 7-31-79; 8:45 am]

BILLING CODE 6330-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Progress Carpet Mills, Inc., and Julian A. Peeples; Provisional Acceptance of Consent Agreement

Correction

In FR Doc. 79–22735 appearing on page 43331 in the issue for July 24, 1979, the heading, as given, is incorrect. The correct heading for this document appears above. Also, correct the **ACTION** line to read as follows: "Provisional Acceptance of Consent Agreement".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Consolidation of DOD Cryptologic Training at Keesler Air Force Base (AFB), Miss.; Finding of No Significant Impact (FONSI)

The following is the FONSI, dated July 5, 1979, for the proposed consolidation of DOD cryptologic training at Keesler AFB, Mississippi.

A. *Description of Proposd Action:* The Department of Defense (DOD) proposes to consolidate cryptologic training activities at Keesler AFB, MS and Corry Station, FL. This consolidation will provide more efficient and economical management of cryptologic training. The proposed action would result in an increase of about 675 military and 60 civilian jobs at Keesler. The estimated population increase in the Keesler area, including dependents and military students, would be approximately 3,600 persons (which include about 1,100 students).

The alternative to this proposal is to take no action and to continue cryptologic training at several DOD installations.

B. *Biophysical Environmental Impact Analysis:* The analysis of potential biophysical environmental impacts is documented in a Formal Environmental Assessment (FEA). The following is a summary of the most important findings in the FEA:

1. *Solid Waste:* Solid waste generation would increase by 2.8% in the area. However, there is more than adequate sanitary landfill space (over 100 years capacity) to accommodate this increase.

2. *Waste Water:* Existing regional wastewater treatment plants have sufficient capacities to treat the 2.8% increase in wastewater generated from this action.

3. *Water:* Water consumption would increase by 2.9%. Adequate water

supply exists to accommodate the increase.

4. *Air:* The principal air pollutant increase will be from the addition of approximately 1,800 vehicles (less than 1% of projected number of vehicles in the area) into the area. This increase will not violate any of the National Ambient Air Quality Standards for criteria pollutants in the area.

5. *Secondary Impacts:* The potential for secondary biophysical impacts is not considered to be significant since existing capacity of public facilities and services, schools, hospitals, utilities, fire and police protection, and transportation is available for the increased population. Any increased housing development can be done without significant adverse environmental impact in accord with existing zoning, land-use, and other local regulatory controls.

C. *Finding of No Significant Impact:* After careful review of the FEA, I have concluded that expansion of cryptologic training activities at Keesler AFB will not constitute a major federal action having a significant adverse impact on the quality of the affected environment (Biloxi, Gulfport, and Ocean Springs, Mississippi and vicinity), nor is it likely to be controversial there with regard to its biophysical environmental impacts.

Thus, the requirements of the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) Guidelines, and Air Force Regulation 19–2 have been complied with and a Draft Environmental Impact Statement need not be filed with the US Environmental Protection Agency.

Any comments or questions should be directed to the Deputy for Environment and Safety, Office of the Secretary of the Air Force, Room 4C885, the Pentagon, Washington, DC, 20330, telephone: (202) 697–9297.

Carol M. Rose

Air Force Federal Register Liaison Officer.

[FR Doc. 79-23631 Filed 7-31-79; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

July 26, 1979.

The USAF Scientific Advisory Board Logistics Cross-Matrix Panel will hold a Summer Seminar at the Armed Forces Staff College, Norfolk Naval Base, Virginia, during the period August 20 through 24, 1979. The meetings will convene at 8:00 a.m. and adjourn at 5:00 p.m. daily.

The Panel will receive briefings and hold classified discussions on the logistics problems perceived by the Air Force pertaining to logistics technology and long-range planning. The meetings will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat (202) 697–4811.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-23704 Filed 7-31-79; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF THE ARMY

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) Considering Alternatives for Modification of the Summersville Lake Project, West Virginia

AGENCY: U.S. Army Corps of Engineers, DOD

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The alternatives, including the proposed action, to be considered and presented in a draft feasibility report (Survey Report) and DEIS are formulated to increase or improve water related services through modification of the existing Summersville Lake project.

2. The alternatives presently being considered as a part of the Summersville Lake modification studies are:

a. No action—continue to operate and maintain the existing project assuming that nominal changes will occur without a need for major modification of the project.

b. Modify the project with the additions of a hydro power station at the existing outlet works while maintaining essentially the same operational pattern. Add recreation facilities within the restraints of need and non-Federal participation.

c. Modify the project with the additions of a hydro power station at the existing outlet works with pool adjustments in the interest of recreation, fishing and power. Add recreation facilities within the restraints of need and non-Federal participation.

d. Modify the project with the addition of an outlet works and hydropower station three miles downstream of the existing outlet. A selective withdrawal intake will be considered. Essentially, the same operational patterns as present will be evaluated. Additional recreation facilities will be considered within the constraints of need and non-Federal participation.

e. Modify the project with the addition of an outlet works and a hydro power station three miles downstream of the existing outlet. A selective withdrawal intake will be considered. Pool adjustments will be considered in the interest of recreation, fishing and power. Additional recreation facilities will be considered within the constraints of need and non-Federal participation.

f. An alternative to hydropower development will be discussed which considers load managment and conservation as a response to future needs for electric power.

3. The range of alternatives and impacts considered in the draft survey report and DEIS are to be discussed at a public meeting in Summersville, West Virginia, on 14 August 1979. Following the development of the draft report and DEIS and distribution for public review, a final public meeting is scheduled for September 1980 to review the evaluation of the alternatives and the tentative selected plan. Additional public involvement activities will be held as the need develops during the study.

a. In addition to the Corps of Engineers, other agencies known to have an active interest in the studies are the U.S. Fish and Wildlife, the West Virginia Department of Natural Resources, the National Park Service, The Federal Energy Regulatory Commission, the Southeastern Power Administration, and the U.S. Environmental Protection Agency. Other affected Federal, State, and local agencies and other interested private organizations and parties are invited to provide suggestions, reviews and comments during the study process.

b. Issues to be considered in the DEIS include potential impacts associated with the following construction and/or project operational factors: (1) downstream flow fluctuations; (2) reservoir adjustments or changes; (3) recreation facility adjustments; (4) whitewater boating; (5) tailwater temperature adjustments; (6) aesthetics; (7) conservation of resources; (8) local socio-economic adjustments; and (9) regional energy considerations.

c. In addition to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act of 1969 (NEPA), the following environmental review and consultation requirements are applicable: (1) Clean Water Act; (2) Endangered Species Act of 1973; (3) Federal Water Projects Recreation Action Act; (4) Fish and

Wildlife Coordination Act; (5) Historic Sites Act of 1935; (6) National Historic Preservation Act of 1966; (7) Preservation of Historic and Archeological Data Act of 1974; (8) River and Harbor Act of 1899; (9) Wild and Scenic Rivers Act of 1968; (10) Executive Order 11514, Protection and Enhancement of Environmental Quality; (11) Executive Order 11593, Protection and Enhancement of the Cultural Environment; and (12) Advisory Council and Historic Preservation regulations on protection of historic and cultural properties.

4. The scoping process, which invites public and agency contributions, is to be discussed at a public meeting scheduled for 7:00 PM, 14 August 1979, at the Nicholas County High School, Summersville, West Virginia.

5. The DEIS is scheduled for distribution to the public in August 1980.

ADDRESS: Questions about the alternative for modification of the Summersville Lake project and the DEIS can be answered by Sutton Epps, Study Manager, Huntington District, Corps of Engineers, Huntington, West Virginia 25705, Telephone 304–529–5639.

Date 25 July 1979.

F. W. Wanner, Jr.,

LTC, Corps of Engineers, Acting District Engineer.

[FR Doc. 79–23705 Filed 7–31–79; 8:45 am]

BILLING CODE 3710–AC–M

DEPARTMENT OF DEFENSE

Department of the Army

Fort Eustis, Va.; Filing of Environmental Impact Statement

The Army, on July 27, 1979, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the ongoing missions at Fort Eustis, Virginia. The alternatives of maintaining, discontinuing, or changing missions at Fort Eustis are analyzed. Copies of the Statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost or reproduction from the Commander, U.S. Army Transportation Center and Fort Eustis, ATTN: Facilities Engineering Directorate, Fort Eustis, Virginia 23604.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone (202) 694–3434.

Dated: July 23, 1979.

Daniel R. Voss,

Acting Deputy for Environment, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 79–23729 Filed 7–31–79; 8:45 am]

BILLING CODE 3710–08–M

Fort McCoy, Wis.; Filing of Environmental Impact Statement

The Army, on July 27, 1979, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the ongoing missions at Fort McCoy, Wisconsin. The alternatives of maintaining, discontinuing, or changing missions at Fort McCoy are analyzed. Copies of the statements have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Commander, Fort McCoy, ATTN: AFZR-FEE, Sparta, Wisconsin 54656, telephone (608) 388-3815.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310, telephone (202) 694-3434.

Bruce A. Hildebrand,

Deputy for Environment, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 79–23730 Filed 7–31–79; 8:45 am]

BILLING CODE 3710–08–M

Fort Belvoir, Va., Ongoing Missions; Filing of Environmental Impact Statement

The Army, on July 27, 1979, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the on-going missions at Fort Belvoir, Virginia. the alternatives of maintaining, discontinuing, or changing missions at Fort Belvoir are analyzed. Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Commander, US Army Engineer Center and Fort Belvoir, ATTN: Directorate of Facilities Engineering, Fort Belvoir, VA 22060.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone: (202) 694–3434.

Bruce A. Hildebrand,

Deputy for Environment, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 79–23728 Filed 7–31–79; 8:45 am]

BILLING CODE 3710–08–M

Fort Lee, Va.; Filing of Environmental Impact Statement

The Army, on July 27, 1979, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the ongoing missions at Fort Lee, Virginia. The alternatives of maintaining, discontinuing, or changing missions at Fort Lee are analyzed. Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Commander, US Army Quartermaster Center and Fort Lee, ATTN: Environmental Engineer, Fort Lee, VA 23801.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone (202) 694–3434.

Bruce A. Hildebrand,

Deputy for Environment, Safety, and Occupational Health OASA(IL&FM).

[FR Doc. 79–23731 Filed 7–31–79; 8:45 am]

BILLING CODE 3710–08–M

Ongoing Missions at Forts Richardson, Wainwright, and Greely, Alaska; Filing of Environmental Impact Statements

The Army, on July 27, 1979, provided the Environmental Protection Agency three separate but similar Draft Environmental Impact Statements (DEISs) for the on-going missions at Forts Richardson, Wainwright and Greely, Alaska. The alternatives of maintaining, discontinuing, or changing missions at each fort are analyzed. Copies of the statements have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Commander, 172d Infantry Brigade (Alaska), ATTN: AFZT–FE–EQ, Fort Richardson, Alaska 99505.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room

1E676, Pentagon, Washington, DC 20310, telephone: (202) 694–3434.

Bruce A. Hildebrand,

Deputy for Environment, Safety, and Occupational Health OASA (IL&FM).

[FR Doc. 79-23732 Filed 7-31-79; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Major Rehabilitation of the North and South Jetties at the Nehalem River Entrance, Oregon.

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 involves rebuilding the Nehalem jetties to their original dimensions authorized by the River and Harbor Act of 1912. The project consists of two high tide jetties 700 feet apart at the seaward end. The north jetty was completed in 1918 and is 3,850 feet long. The south jetty was completed in 1915 and is 4,950 feet long, the shoreward 2,385 feet having been constructed by the Port of Nehalem. The two jetties have degraded from a constructed elevation of +12 feet mean lower low water (MLLW) to an elevation of +5 to 6 feet above MLLW.

2. The alternative being actively evaluated is 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 opportunity 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 November 1979.

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, Oreg. 97308.

Dated: July 19, 1979.

J. C. Huetter,

Acting Chief, Engineering Division.

[FR Doc. 79-23706 Filed 7-31-79; 8:45 am]

BILLING CODE 3710-AR-M

DEPARTMENT OF ENERGY

[DOE/EIS-0014]

Mound Facility Miamisburg, Ohio; Availability of Final Environmental Impact Statement

Notice is hereby given that the U.S. Department of Energy (DOE) has issued a final environmental impact statement (EIS), DOE/EIS–0014, Mound Facility, Miamisburg, Ohio. The EIS was prepared pursuant to implementation of the National Environmental Policy Act of 1969 to support DOE's proposal to continue operation of the Mound Facility located in Miamisburg, Montgomery County, Ohio. The EIS assesses the environmental impact associated with current site activities and the continued operation of the Mound Facility in the processing of nuclear weapon components related to national defense. Alternatives evaluated in the EIS include: No change in current activities, completion of plant modifications currently underway, relocation, and termination of operations.

Copies of the EIS are available for public inspection at the following DOE locations:

DOE Public Document Room, Room GA–152, 1000 Independence Avenue, SW., Washington, DC.

Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East, Albuquerque, New Mexico.

Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.

Chicago Operations Office, 175 West Jackson Boulevard, Chicago, Illinois.

Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.

Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.

Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.

Richland Operations Office, Federal Building, Richland, Washington.

San Francisco Operations Office, 1333 Broadway, Oakland, California.

Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Copies of the EIS have been furnished to those who commented on the draft statement that was issued by the Department of Energy in April 1978. Copies are also available for public inspection at designated Federal Depository Libraries.

A limited number of single copies of the EIS are available for distribution by the Technical Information Center, P.O. Box 62, Oak Ridge, TN 37830 (615–483–8611) extension 34672. The EIS is also available from the National Technical Information Service, Springfield, VA 22161.

Dated at Washington, DC., this 13th day of July 1979.

For the United States Department of Energy.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 79-23680 Filed 7-31-79; 8:45 am]

BILLING CODE 6450-0-M

Economic Regulatory Administration

[ERA Docket No. 79-CERT-062]

Gulf States Utilities Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Take notice that on July 10, 1979, Gulf States Utilities Corporation (Gulf States), 285 Liberty Street, P.O. Box 2951, Beaumont, Texas, 77704, filed an application for certification of an eligible use of natural gas to displace fuel oil at its Roy S. Nelson Generating Station, Westlake, Louisiana, 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 4126–A, 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, Gulf States states that the volume of natural gas for which it requests certification is approximately 40,000 Mcf per day and the eligible sellers are Louisiana Resources Company, One William Center, P.O. Box 3102, Tulsa, Oklahoma, 74101 and Louisiana Intrastate Gas Corporation, P.O. Box 1352, Alexandria, Louisiana, 71301. This natural gas will displace the use of approximately 6,452 barrels of No. 6 fuel oil (.7 percent sulfur) per day at Gulf States' Roy E. Nelson Generating Station and will be transported by United Gas Pipeline Company, 700 Milam Street, P.O. Box 1478, 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 4126–A, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before August 13, 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 within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to Gulf States and any persons filing comments, and published in the **Federal Register.**

Issued in Washington, D.C., on July 25, 1979.

Paul T. Burke,

Acting Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-23744 Filed 7-31-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1287-8]

Data Collection Activities

The purpose of this notice is to identify certain data collection activities to be undertaken by the United States Environmental Protection Agency (EPA) during the next six month period (July 1, 1979 through December 31, 1979) for specific industrial point source categories. Prior notification of such data collection activities will alert affected industries that potential data collection instruments are forthcoming and thus enable them to fully participate in EPA's rulemaking activities.

Several data collection activities mentioned in this notice were contained in EPA's **Federal Register** notice of Data Collection Activities dated March 7, 1979. Data collection activities repeated in this **Federal Register** notice did not commence during the previous reporting period (January 1, 1979 through June 30, 1979).

The following list identifies the category and type of data (economic assessment, technical assessment and analytical sampling) to be collected under authority of Section 308 of the Clean Water Act of 1977, in developing effluent limitations guidelines under Sections 301, 304, 306, and 307 of the Act. Included for each industrial category is the name, organizational location and telephone number of the individual most familiar with the described data collection activity. These activities are subject to Office of Management and Budget (OMB) approval in accordance with OMB Clearance No. 158–R–0160 and are published twice yearly in the **Federal Register.** Notification is also a requirement for OMB concurrence under the Federal Reports Act (144 U.S.C. 3501 et seq.).

Dated: July 27, 1979.

Swep T. Daws,

Acting Assistant Administrator for Water and Waste Management.

Survey of coal mining industry (sampling and shipping of mine drainage)

Number of mines in sample: 15.

Estimated reporting hour burden: 150 man-hours per mine.

Point of contact: William Telliard, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460 (202) 426–2726.

Survey of coal mining industry (analysis of mine drainage).

Number of mines in sample: 15.

Estimated reporting hour burden: 50 man-hours per mine.

Point of contact: William Telliard, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460 (202) 426–2726.

Survey of nonferrous metals industry (analytical sampling).

Number of plants in sample: 35.

Estimated reporting hour burden: 20 man-hours per plant.

Point of contact: Patricia E. Williams, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460 (202) 426–2586

Survey of organic chemicals/plastics and synthetic material industry (analytical sampling).

Number of plants in sample: 573 plants total target population—list of product/processes covered in a separate **Federal Register** notice published Summer 1979. Total estimated to be approximately 500.

Estimated reporting hour burden: man-hours estimated as 1,688 per sampling for raw waste load determination or treatment technology survey.

Point of contact: Paul Fahrenthold, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460 (202) 426–2497.

Survey of paint and ink formulation industry (analytical sampling).

Number of plants in sample: 3 (verification sampling).

Estimated reporting hour burden: 2 man-hours per plant.

Point of contact: James R. Berlow, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460 (202) 426–2554.

Survey of pesticides industry: (analytical sampling).

Number of plants in sample: 15 plants for self-monitoring of priority pollutants for 30 days.

Estimated reporting hour burden: 1,200 man-hours per plant.

Point of contact: George M. Jett, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460 (202) 426–2497.

Survey of pulp, paper and paper board industry (analytical sampling).

Number of plants in sample: 20.

Estimated reporting hour burden: 72 man-hours per plant.

Point of contact: Robert W. Dellinger, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460 (202) 426–2497.

Survey of steam electric industry (analytical sampling).

Number of plants in sample: 10.

Estimated reporting hour burden: 20 man-hours per plant.

Point of contact: John W. Lum, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460 (202) 426–7770.

Survey of timber industry (analytical sampling).

Number of plants in sample:

Wood preserving—10
particleboard—3
wet process hardboard—2
log washing—3
insulation board—3
wet storage—10
barking—2
sawmills—2
veneer/plywood—5

Estimated reporting hour burden:

wood preserving—10 man-hours per plant
particleboard—10 man-hours per plant
wet process hardboard—10 per plant
log washing—10 man-hours per plant
insulation board—10 man-hours per plant
wet storage—10 man-hours per plant
barking—10 man-hours per plant
sawmills—10 man-hours per plant
veneer/plywood—10 man-hours per plant

Point of contact: Richard E. Williams, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460 (202) 426–2554.

Survey of adhesives and sealants industry (economic assessment).

Number of plants in sample: 500.

Estimated reporting hour burden: 40 man-hours per plant.

Point of contact: L. Jean Noroian, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Office of Analysis and Evaluation, (WH–586), 401 M Street, S.W., Washington, D.C. 20460 (202) 426–2617.

Survey of auto and other laundries industry (economic assessment).

Number of plants in sample: 1,000.

Estimated reporting hour burden: 24 man-hours per plant.

Point of contact: Emily Hartnell, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Office of Analysis and Evaluation, (WH–586), 401 M Street, S.W., Washington, D.C. 20460.

Survey of battery manufacturing industry (economic assessment).

Number of plants in sample: 100.

Estimated reporting hour burden: 16 man-hours per plant.

Point of contact: Emily Hartnell, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Office of Analysis and Evaluation, (WH–586), 401 M Street, S.W., Washington, D.C. 20460, (202) 755–2484.

Survey of copper forming industry (economic assessment).

Number of plants in sample: 60.

Estimated reporting hour burden: 40 man-hours per plant.

Point of contact: William Webster, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Office of Analysis and Evaluation, (WH–586), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2617.

Survey of electrical and electronic products industry (economic assessment).

Number of plants in sample: 400.

Estimated reporting hour burden: 40 man-hours per plant.

Point of contact: Louis Dupuis, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Office of Analysis and Evaluation, (WH–586), 401 M Street, S.W., Washington, D.C. 20460, (202) 755–7733.

Survey of electroplating industry (economic assessment).

Number of plants in sample: 400.

Estimated reporting hour burden: 40 man-hours per plant.

Point of contact: William Webster, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Office of Analysis and Evaluation, (WH–586), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2617

Survey of pharmaceuticals industry (economic assessment).

Number of plants in sample: 200.

Estimated reporting hour burden: 40 man-hours per plant.

Point of contact: L. Jean Noroian, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Office of Analysis and Evaluation, (WH–586), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2617.

Survey of soaps and detergents industry (economic assessment).

Number of plants in sample: 250.

Estimated reporting hour burden: 40 man-hours per plant.

Point of contact: L. Jean Noroian, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Office of Analysis and Evaluation, (WH–586), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2617.

Survey of nonferrous metals industry (technical assessment).

Number of plants in sample: 100.

Estimated reporting hour burden: 8 man-hours per plant.

Point of contact: Patricia E. Williams, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2586.

Survey of organic chemicals industry (technical assessment).

Number of plants in sample: 573 facilities (plants).

Estimated reporting hour burden: follow-up detailed survey of general questions asked in December, 1977 on treatment technology and process raw waste load. Load varies but 40 are estimated.

Point of contact: Paul Fahrenthold, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2497.

Survey of pesticide formulators & packagers industry (technical assessment).

Number of plants in sample: 200 formulation facilities.

Estimated reporting hour burden: 20 man-hours per formulation facility.

Point of contact: George M. Jett, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2497.

Survey of pesticide industry (technical assessment).

Number of plants in sample: 308 follow-up survey to 40 plants.

Estimated reporting hour burden: 40 man-hours per plant.

Point of contact: George M Jett, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2497.

Survey of pharmaceutical industry (technical assessment).

Number of plants in sample: pharmaceutical manufacturing plants. (approximately 40 plants for long-term data and steam stripping).

Estimated reporting hour burden: 500 man-hours per plant.

Point of contact: Joseph S. Vitalis, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2497.

Survey of plastics and synthetic materials industry (technical assessment).

Number of plants in sample: organic chemical/plastics plants/synthetics plants 573.

Estimated reporting hour burden: Follow-up survey of general questions asked in December, 1977 survey. Treatment technology and process raw waste load data will be requested. Load varies but we estimate 40 man-hours per plant.

Point of contact: H. Wise, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2497.

Survey of publicly owned treatment works (POTW's) which receive pesticide waste (technical assessment).

Number of plants in sample: 39 POTW's.

Estimated reporting hour burden: 20 man-hours per POTW.

Point of contact: George M. Jett, U.S. Environmental Protection Agency, Office of Water Planning and Standards,

Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2497.

Survey of pulp, paper and paperboard industry (technical assessment).

Number of mills in sample: 100.

Estimated reporting hour burden: 40 man-hours per mill.

Point of contact: Robert W. Dellinger, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2497.

Survey of pulp, paper and paperboard industry (technical assessment).

Number of mills in sample: 750.

Estimated reporting hour burden: 40 man-hours per mill.

Point of contact: Robert W. Dellinger, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2497.

Survey of pulp, paper and paperboard industry (technical assessment).

Number of mills in sample: 9.

Estimated reporting hour burden: 24 man-hours per mill.

Point of contact: Robert W. Dellinger, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2497.

Survey of pulp, paper and paperboard industry (technical assessment).

Number of mills in sample: 9.

Estimated reporting hour burden: 24 man-hours per mill.

Point of contact: Robert W. Dellinger, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2497.

Survey of soap, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (technical assessment).

Number of plants in sample: specialty cleaning and sanitation, surface active agents and toilet preparation manufacturing—1,000.

Estimated reporting hour burden: 15 man-hours per plant.

Point of contact: E. H. Forsht, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–2582.

Survey of steam electric industry (technical assessment).

Number of plants in sample: 30.

Estimated reporting hour burden: 20 man-hours per plant.

Point of contact: John W. Lum, U.S. Environmental Protection Agency, Office of Water Planning and Standards, Effluent Guidelines Division, (WH–552), 401 M Street, S.W., Washington, D.C. 20460, (202) 426–7770.

[FR Doc. 79–23760 Filed 7–31–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1287–5]

National Air Pollution Control Techniques Advisory Committee; Open Meeting

Under Public Law 92–463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9:00 a.m. on August 28 and 29, 1979, at the Sheraton Crabtree Inn, Presidents' Rooms 1 and 2, U.S. Highway 70, Crabtree Valley Shopping Center, Raleigh, North Carolina 27612. The commercial telephone number is (919) 787–7111.

The tentative agenda for the meeting is as follows:

August 28 (Tuesday)

9 a.m.—Ammonium Sulfate Manufacturing Plants, New Source Performance Standards for Particulate Emissions.

1 p.m.—Perchlorlethylene Dry Cleaning Plants, New Source Performance Standards for Percholoroethylene Emissions.

August 29 (Wednesday)

9 a.m.—Perchloroethylene Dry Cleaning Plants (continued if necessary).

10 a.m.—Progress Reports on New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

12:30 p.m.—Adjourn.

All meetings are open to the public. Anyone wishing to make a presentation should contact Mrs. Mary Jane Clark, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by August 24, 1979. The commercial telephone number is (919) 541–5271, and the FTS number is 629–5271.

Dockets containing material relevant to the ammonium sulfate manufacturing plants (Docket Number A–79–31) and percholoroethylene dry cleaning plants (Docket Number A–79–30) rulemaking are located in the U.S. Environmental Protection Agency Central Docket Section, Room 2903B, 401 M Street, S.W., Washington, D.C. 20460. The dockets may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: July 27, 1979.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 79–23759 Filed 7–31–79; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL COMMUNICATIONS COMMISSION

FM and TV Translator Applications Ready and Available for Processing Pursuant to Section 1.572(c) and 1.573(d) of the Commission's Rules

Adopted: July 23, 1979.

Released: July 27, 1979.

By the Chief, Broadcast Facilities Division:

Notice is hereby given pursuant to Sections 1.572(c) and 1.573(d) of the Commission's Rules, that on September 10, 1979, the TV and FM translator applications listed in the attached Appendix will be considered ready and available for processing. Pursuant to Sections 1.227(b)(1) and 1.591(b) of the Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on September 9, 1979, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on September 9, 1979.

Any party in interest desiring to file pleadings concerning any pending TV or FM translator application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to Section 1.584(i) of the Rules, which specifies the time for filing and other requirements relating to such pleadings.

Federal Communications Commission

William J. Tricarico,

Secretary.

UHF TV Translator Applications

BPTT–790118IM (new) Onancock, Virginia, County of Accomack. Req: Channel 19, 500–506 MHz 1000 watts. Primary: WYAH–TV, Norfolk Portsmouth-Newport News, Virginia.

BPTT–790118IN (new) Onancock, Virginia, County of Accomack. Req: Channel 25, 536–542 MHz, 1000 watts. Primary: WHRO–TV, Norfolk Portsmouth-Newport News, Virginia.

BPTT–790118IO (new) Onancock, Virginia, County of Accomack. Req: Channel 41, 632–638 MHz, 1000 watts. Primary: WAVY–TV, Norfolk Portsmouth-Newport News, Virginia.

BPTT–790118IP (new) Onancock, Virginia, County of Accomack. Req: Channel 44, 650–656 MHz, 1000 watts. Primary: WTAR–

TV, Norfolk Portsmouth-Newport News, Virginia.

BPTT-790118IQ (new) Onancock, Virginia, County of Accomack. Req: Channel 60, 746–752 MHz, 1000 watts. Primary: WVEC–TV, Norfolk Portsmouth-Newport News, Virginia.

BPTT-790201JP (new) Eau Claire, Wisconsin, Hubbard Broadcasting, Inc. Req: Channel 55, 716–722 MHz, 1000 watts. Primary: KSTP–TV, St. Paul, Minnesota.

BPTT-790214ID (new) Delta, Oak City & Lynndyl, Utah, Millard County TV. Req: Channel 68, 794–800 MHz, 100 watts. Primary: KBYU–TV, Provo, Utah.

BPTT-790215IU (new) Spooner, Wisconsin, Hubbard Broadcasting, Inc. Req: Channel 57, 728–734 MHz, 100 watts. Primary: KSTP–TV, St. Paul, Minnesota.

BPTT-790215IV (new) Rice Lake, Wisconsin, Hubbard Broadcasting, Inc. Req: Channel 59, 740–746 MHz, 100 watts. Primary: KSTP–TV, St. Paul, Minnesota.

BPTT-790215IW (new) Ladysmith, Wisconsin, Hubbard Broadcasting, Inc. Req: Channel 63, 764–770 MHz, 100 watts. Primary: KSTP–TV, St. Paul, Minnesota.

BPTT-790215IX (new) Wadena, Minnesota, Hubbard Broadcasting, Inc. Req: Channel 20, 506–512 MHz, 100 watts. Primary: KSTP–TV, St. Paul, Minnesota.

BPTT-790307IK (new) Alexandria, Minnesota, Hubbard Broadcasting, Inc. Req: Channel 24, 530–536 MHz, 1000 watts. Primary: KSTP–TV, St. Paul, Minnesota.

BPTT-790316IC (new) Fenton & Ringsted, Iowa, The Kiwanis Club of Ringsted, Iowa. Req: Channel 56, 722–728 MHz, 20 watts. Primary: WHO–TV, Des Moines, Iowa.

BPTT-790330IA (new) Big Timber & Rural Area East of Livingston, Montana, Park Non-Profit TV, Inc. Req: Channel 69, 800–806 MHz, 100 watts. Primary: KTVQ–TV, Billings, Montana.

BPTT-790402IC (new) Starbuck, and all of Pope County, Minnesota Starbuck Area Development Corporation Req: channel 68, 794–800 MHz, 100 watts. Primary: WIRT–TV, Hibbing, Minnesota.

BPTT-790410IA (new) Washington, D.C., Los Cerezos Television Company Req: Channel 56, 722–728 MHz, 1000 watts. Primary: KWEX–TV, San Antonio, Texas.

BPTT-790516IA (new) Livingston & Paradise Valley, Montana, Paradise Valley Television District. Req: Channel 55, 716–722 MHz, 100 watts. Primary: KXLF–TV, Butte, Montana.

BPTT-790516IB (new) Livingston & Paradise Valley, Montana Paradise Valley Television District. Req: Channel 60, 746–752 MHz, 100 watts. Primary: KTVQ–TV, Billings, Montana.

BPTT-790530IA (new) Dallas, Texas, Richard V. Menchach. Req: Channel 55, 716–722 MHz, 1000 watts. Primary: KWEX–TV, San Antonio, Texas.

BPTT-790530IB (new) Detroit, Michigan, Los Cerezos Television Company. Req: Channel 68, 794–800 MHz, 1000 watts. Primary: KWEX–TV, San Antonio, Texas.

VHF TV Translator Applications

BMPTTV-790129LK (K110I) Hudson & Surrounding Rural Area, Wyoming, Riverton-Fremont TV Club, Inc. Req: Change primary TV Station to KTWO–TV, Channel 2, Casper, Wyoming.

BPTTV-780831IK (K06E0) Huntsville, Liberty & Eden, Utah, Ogden Valley TV Repeater Association. Req: Change frequency to Channel 13, 210–216 MHz., increase output power to 10 watts.

BPTTV-790122IK (new) Russell Point Ranch Area, Montana, Russell Point TV. Req: Channel 9, 186–192 MHz, 1 watt. Primary: KTVQ–TV, Billings, Montana.

BPTTV-790129IL (K05FT) Riverton, Arapahoe & Rural Fremont County, Wyoming, Riverton-Fremont TV Club, Inc. Req: Change primary TV Station to KRMA–TV, Channel 6, Denver, Colorado.

BPTTV-790129LM (W10AP) Marion & West Marion, North, Carolina, Wometco Skyway Broadcasting Company. Req: Add Garden Creek & Providence North Carolina to present principal community, increase output power to 10 watts.

BPTTV-790129LJ (new) Rural Area South & West of Prairie City, Oregon, Prairie City Lions Club. Req: Channel 12, 204–210 MHz, 1 watt. Primary: KIVI–TV, Nampa, Idaho.

BPTTV-790130IP (new) Manley Hot Springs, Alaska, Manley Hot Springs Park Association, Incorporated. Req: Channel 6, 82–88 MHz, 1 watt. Primary: KUAC–TV, Fairbanks, Alaska.

BPTTV-790202JS (K05FG) McCall, Idaho, State Board Of Regents Of The University Of Idaho. Req: Add New Meadows, Idaho to present principal community, increase output power to 10 watts.

BPTTV-790213IC (W05AE) Sylva & Addie, North Carolina, Wometco Skyway Broadcasting Company. Req: Add Dillsboro & Cullowhee, North Carolina to present principal community.

BPTTV-790215IT (new) Ketchikan, Alaska, Rainbird Community Broadcasting, Corporation. Req: Channel 9, 186–192 MHz, 100 watts. Primary: KTOO–TV, KUAC–TV, KAKM–TV, KYUK–TV, Juneau, Fairbanks, Anchorage, & Bethel, Alaska.

BPTTV-790312IE (new) Blue Mountain Lake, New York, Blue Mountain Lake Association, Inc. Req: Channel 8, 180–186 MHz, 1 watt. Primary: WMHT–TV, Schenectady, New York.

BPTTV-790312IF (new) Blue Mountain Lake, New York, Blue Mountain Lake Association, Inc. Req: Channel 10, 192–198 MHz, 1 watt. Primary: WCDC–TV, Adams, Massachusetts.

BPTTV-790312IE (new) Blue Mountain Lake, New York, Blue Mountain Lake Association, Inc. Req: Channel 12, 204–210 MHz, 1 watt. Primary: WTVH–TV, Syracuse, New York.

BPTTV-790326IE (new) South Side Of Salmon & Williams Creek, Idaho, Salmon Television Translator District. Req: Channel 7, 174–180 MHz, 1 watt. Primary: KID–TV, Idaho Falls, Idaho.

BPTTV-790413ID (new) Cordova, Alaska, City Of Cordova. Req: Channel 9, 186–192 MHz, 10 watts. Primary: KTVA–TV, KENI–TV, KIMO–TV, KAKM–TV, Anchorage, Alaska, KTOO–TV, Juneau, Alaska.

BPTTV-790521IE (new) Lovell, Wyoming, Duhamel Broadcasting Enterprises. Req: Channel 7, 174–180 MHz, 10 watts. Primary: KSGW–TV, Sheridan, Wyoming.

BPTTV-790521IF (new) Greybull, Wyoming, Duhamel Broadcasting Enterprises. Req: Channel 9, 186–192 MHz, 10 watts. Primary: KSGW–TV, Sheridan, Wyoming.

FM Translator Applications

BPFT-781120IP (K288AC) Richfield & Monroe, Utah, Sevier County. Req: Change frequency to Channel 276–103.1 MHz., change primary Station to KSFI–FM, Channel 262, Salt Lake City, Utah.

BPFT-790201IL (new) Tahoe City, Kings Beach & Incline Village, California, Emerald Broadcasting, Co. Req: Channel 224, 92.7 MHz, 10 watts. Primary: KTHO–FM, South Lake Tahoe, California.

BPFT-790206IC (new) Itaca, New York, Crown Broadcasting Company, Inc. Req: Channel 299, 107.1 MHz, 1 watt. Primary: WNOZ–FM, Cortland, New York.

BPFT-790212IE (new) Rochester, Minnesota, Southern Minnesota Broadcasting, Co. Req: Channel 288, 105.5 MHz, 10 watts. Primary: KROC–FM, Rochester, Minnesota.

BPFT-790222IF (new) Center Point, Mountain Brook & Tarrant City, Alabama, Briarwood Continuing Presbyterian Church. Req: Channel 276, 103.1 MHz, 1 watt. Primary: WMBW–FM, Chattanooga, Tennessee.

BPFT-790222IG (new) Birmingham, Alabama, Briarwood Continuing Presbyterian Church. Req: Channel 276, 103.1 MHz, 1 watt. Primary: WMBW–FM, Chattanooga, Tennessee.

BPFT-790222IH (new) Homewood, Vestavia Hills & Cahaba Heights, Alabama, Briarwood Continuing Presbyterian Church. Req: Channel 205, 88.9 MHz, 1 watt. Primary: WMBW–FM, Chattanooga, Tennessee.

BPFT-790222IP (new) Morgan Hill, California, The Audio House, Inc. Req: Channel 249, 97.7 MHz, 1 watt. Primary: KOME–FM, San Jose, California.

BPFT-790316IB (new) Ely, Minnesota, Minnesota State Board For Community Colleges. Req: Channel 269, 101.7 MHz, 10 watts. Primary: WSCD–FM, Duluth, Minnesota.

BPFT-790320IC (new) Chester, Westwood & Canyon Dam, California, The Almanor TV Club, Inc. Req: Channel 257, 99.3 MHz, 10 watts. Primary: KSNR–FM, Red Bluff, California.

BPFT-790326IF (new) Roundup, Montana, Roundup TV Tax District. Req: Channel 285, 104.9 MHz, 1 watt. Primary: KIDX–FM, Billings, Montana.

BPFT-790326IG (new) Alturas & Termo, California, Northern California Communications Corporation. Req: Channel 269, 101.7 MHz, 10 watts. Primary: KVIP–FM, Redding, California.

BMPFT-790215IY (K296BE) Ukiah, Lakeport & Potter Valley, California Western Translators, Inc. Req: Change frequency to Channel 285–104.9 MHz., delete Lakeport and Potter Valley from principal community and add Hopland, to principal community.

[FR Doc. 79-23697 Filed 7-31-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 79-79]

Cummins Engine Co. v. U.S. Lines, Inc.; Notice of Filing of Complaint

Notice is given that a complaint filed by Cummins Engine Company against U.S. Lines, Inc. was served July 25, 1979. The complainant alleges that respondent has assessed rates for the carriage of diesel engine parts in excess of those listed in the proper tariff item in violation of section 18(a) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before January 25, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 79-23738 Filed 7-31-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-78]

Cummins Engine Co. v. Maersk Lines, Ltd.; Notice of Filing of Complaint

Notice is given that a complaint filed by Cummins Engine Company against Maersk Lines, Ltd. was served July 25, 1979. The complaint alleges that respondent has assessed rates for the carriage of diesel engine parts in excess of those listed in the proper tariff item in violation of section 18(a) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before January 25, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 79-23739 Filed 7-31-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-77]

Cummins Engine Co. v. Y. S. Line; Filing of Complaint

Notice is given that a complaint filed by Cummins Engine Company against Y. S. Line was served July 25, 1979. Complainant alleges that respondent has assessed rates for carriage of diesel engine parts in excess of those listed in the proper tariff item in violation of section 18(a) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before January 25, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 79-23692 Filed 7-31-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-75]

Interpool, Ltd., ITEL Corp. (Container Division), and Trans Ocean Leasing Corp. v. Pacific Westbound Conference and Far East Conference and Member Lines; Filing of Complaint

Notice is given that a complaint filed by Interpol Ltd., ITEL Corporation (Container Division) and Trans Ocean Leasing Corporation against the Pacific Westbound Conference and the Far East Conference and Member Lines was served July 24, 1979. Complainants allege that respondents have recently filed amendments to their respective tariffs, in violation of section 15 of the Shipping Act, 1916, the effect of which would be the elimination of the "neutral container system".

Hearing in this matter, if any is held, shall commence on or before January 24, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are geniuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 79-23691 Filed 7-31-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-76; Agreement No. 57-115]

Pacific Westbound Conference; Notice of Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by Seatrain Pacific Services S.A. asking the Commission to remove uncertainty regarding the action of the Pacific Westbound Conference in adopting Agreement 57-115. Petitioner seeks an order determining that Agreement 57-115, modifying the exercise of the right of independent action, is a substantive modification of the conference agreement, requiring unanimous approval by the conference membership, in accordance with Article 20 of Agreement 57.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 11101 or may inspect the petition at the Commission's Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Participation in this proceeding by persons not named in the petition will be permitted only upon grant of intervention pursuant to Rule 72 of the Commission's Rules of Practice (46 CFR 502.72).

Petitions to intervene shall be accompanied by intervenors' complete reply in the matter. Such petitions and any replies to the petition for declaratory order shall be filed with the Secretary on or before August 17, 1979. An original and fifteen copies shall be submitted and a copy served on all parties. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition for declaratory order.

Francis C. Hurney,

Secretary.

[FR Doc. 79-23737 Filed 7-31-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of 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 request 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 24, 1979.

A. *Federal Reserve Bank of Chicago,* 230 South LaSalle Street, Chicago, Illinois 60690:

Hickory Bancorp., Inc., Hickory Hills, Ilinois (insurance activities; Illinois) to engage, through its subsidiary, Hickory Insurance Agency, Inc., in acting as agent or broker for the sale of life insurance and health and accident insurance directly related to extensions of credit made by its subsidiary bank; and acting as broker by placing insurance for its subsidiary bank. These activities would be conducted from an office in Hickory Hills, Illinois, serving Cook, DuPage, and Will Counties, Illinois.

B. *Federal Reserve Bank of Kansas City,* 925 Grand Avenue, Kansas City, Missouri 64198:

1. Kansas State Bancshares, Inc., Manhattan, Kansas (modular/manufactured home financing; Kansas, Nebraska, Missouri): To engage in making mortagages on modular homes and the real property underlying such homes. These activities would be conducted from Applicant's office in Manhattan, Kansas, serving Kansas and those parts of Nebraska, and Missouri within 100 miles of Manhattan, Kansas.

2. Bankshares of Nebraska, Inc., Grand Island, Nebraska (insurance activities; Nebraska): To engage, as agent, in the sale of credit life, builders risk, homeowners, performance and completion bond, fire, building and equipment, crop, and collision, comprehensive and liability insurance directly related to extensions of credit by its subsidiary banks; and in the sale of insurance on properties managed by it subsidiaries and the trust department of Applicant's subsidiary, First National Bank of Grand Island, Grand Island, Nebraska. These activities would be conducted from offices in Grand Island and Hastings, Nebraska, serving the counties of Hall, Adams, Howard, Merrick, Hamilton, Clay, Nuckalls, Webster, Franklin, Kerney, Buffalo, and Sherman.

3. Liberty National Corporation, Oklahoma City, Oklahoma (insurance activities; Oklahoma): To engage, through its indirectly owned subsidiary, Mid-American Insurance Agency, Inc., in the activity of acting as insurance agent for the sale of credit life, credit acccident and health insurance, directly related to extensions of credit by Applicant's subsidiaries. These activities would be conducted from the offices of Applicant's subsidiaries in Oklahoma City, Lawton, Tulsa, Broken Arrow, Edmond, and Sand Springs, Oklahoma, serving Lawton, Tulsa, Broken Arrow, Edmond and Sand Springs, Oklahoma and their surrounding areas and the Oklahoma City metropolitan area.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, July 25, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-23674 Filed 7-31-79; 8:45 am]

BILLING CODE 6210-01-M

Melrose Bancshares, Inc.; Formation of Bank Holding Company

Melrose Bancshares, Inc., Melrose, 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 80 percent of the voting shares of Melrose State Bank, Melrose, 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 Reserve Bank, to be received not later than August 24, 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 25, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-23673 Filed 7-31-79; 8:45 am]

BILLING CODE 6210-01-M

Tennessee National Bancshares, Inc.; Proposed Acquisition of Southeastern Life Insurance Co.

Tennessee National Bancshares, Inc., Maryville, Tennessee, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Southeastern Life Insurance Company, Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activities of underwriting, as reinsurer, credit life and credit accident and health insurance coverages in connection with extensions of credit made by Applicant's banking subsidiaries in accordance with the Board's Regulation Y. These activities would be performed from offices of Applicant's subsidiary in Maryville, Greenback, McMinnville, and Woodbury, Tennessee, and the geographic areas to be served are Blount, Loudoun, Warren, and Cannon Counties in Tennessee. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to

Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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 interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by 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 the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 24, 1979.

Board of Governors of the Federal Reserve System, July 25, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-23675 Filed 7-31-79; 8:45 am]

BILLING CODE 6210-01-M

Victoria Bankshares, Inc.; Acquisition of Bank

Victoria Bankshares, Inc., Victoria, Texas, 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 100 per cent of the voting shares (less directors' qualifying shares) of The First State Bank of Taft, Taft, 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 24, 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 25, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-23672 Filed 7-31-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Hans J. Klaussner is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of Stuart Furniture Industries, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Deparment of Justice in response to requests for early termination submitted by both parties to the transaction. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580, (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-23693 Filed 7-31-79; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

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, National Capital Region, on August 16, 1979, from 9:30 a.m., to 4:30 p.m., in Room 2636 of the GSA Regional Office Building, Seventh and D Streets, SW., Washington, D.C. The meeting will be devoted to the initial stage of the process for screening and evaluating prospective architect-engineer firms to furnish professional services required in connection with development of Design Services for Conversion of Reserve & Unfinished Space into Three Judges Chambers, Three U.S. District Courtrooms & Anciliary Space in the Garmatz Building at 100 S. Hanover Street, Baltimore, Maryland (GS-03B-88483/99581). The meeting will be open to the public.

Robert J. DiLuchio,

Acting Regional Administrator.

[FR Doc. 79-23829 Filed 7-31-79; 8:45 am]

BILLING CODE 6820-23-M

Office of the Federal Register

National Fire Codes; Request for Comments on NFPA Technical Committee Reports

AGENCY: Office of the Federal Register.

ACTION: Request for comments.

SUMMARY: The National Fire Protection Association (NFPA) revises existing standards and adopts new standards twice a year. At the NFPA's fall meeting in November, or at the annual meeting in May, the NFPA acts on recommendations made by its technical committees.

The Office of the Federal Register, as a public service, requests comments on the technical reports which will be presented at the May, 1980, annual NFPA meeting.

DATES: Technical committee reports will be available for distribution to the public the week of August 6, 1979.

Comments must be submitted on or before October 5, 1979.

ADDRESS: 1980 Technical Committee Reports are available from NFPA, Publications Department, 470 Atlantic Avenue, Boston, Massachusetts 02210. (no charge for single copies.)

Comments on the reports should be submitted to the Assistant Vice

President—Standards, NFPA, 470 Atlantic Avenue, Boston, Massachusetts 02210.

FOR FURTHER INFORMATION CONTACT:
Susan Schruth (202) 523–4534.

SUPPLEMENTARY INFORMATION:

Background

Standards developed by the technical committees of the National Fire Protection Association (NFPA) have been used by various Federal agencies as the basis for Federal regulations concerning fire safety. The NFPA standards are known collectively as the National Fire Code. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552 (a) and 1 CFR Part 51.

Revisions of existing standards and adoption of new standards are reported by the technical committees at the NFPA's Fall Meeting in November or at the Annual Meeting in May of each year. The NFPA invites public comment on its Technical Committee Reports.

Request for Comments

Interested persons may participate in these revisions by submitting written data, views, or arguments to the Assistant Vice President for Standards. Commentors may use the forms provided for comments in the Technical Committee Reports. Each person submitting a comment should include his or her name and address, identify this notice, and give reasons for any recommendations. Comments received on or before the October 5 deadline will be considered by the NFPA before final action is taken on the proposals.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as the Technical Committee Documentation by March 10, 1980, before the Annual Meeting. A copy of the Technical Committee Documentation will be sent automatically to each commentor. Action on the Technical Committee Reports (adoption or rejection) will be taken at the Annual Meeting, May 19–22, 1980, at the John B. Hynes Auditorium and the Sheraton-Boston Hotel, Boston, Massachusetts by NFPA members who are members of record 30 (thirty) days before that meeting.

Copies of the Technical Committee Reports and Technical Committee Documentation, when published, will also be available for review at the Office of the Federal Register, Room 8401, 1100 L Street N.W. Washington, DC.

Dated: July 26, 1979.

Ernest J. Galdi,

Acting Director, Office of the Federal Register.

STANDARDS: Action at the NFPA Annual Meeting in May 1980 is being proposed on the NFPA standards listed below:

No.	Title	Action proposed
17	Dry Chemical Extinguishing Systems	O–P
20	Centrifugal Fire Pumps	O–P
65	Processing and Finishing Aluminum	O–C
70B	Electrical Equipment Maintenance	O–P
74	Household Fire Warning Equipment	O–P
76B	Safe Use of Electricity in Patient Care Areas of Health Care Facilities	N–O
78	Lightning Protection Code	O–C
79	Metalworking Machine Tools and Plastics Processing Machinery	O–P
85E	Furnace Explosions, Pulverized Coal-Fired	O–P
85G	Furnace Implosions, Multiple Burner	O–P
87	Piers and Wharves	O–P
90B	Warm Air Heating and Air Conditioning Systems	O–P
172	Standard Fire Protection Symbols for Architectural and Engineering Drawings	N–O
174	Standard Fire Protection Symbols for Risk Analysis Diagrams	N–O
232AM	Archives and Record Centers	R
302	Motor Craft	O–C
306	Gas Hazards on Vessels to be Repaired	O–C
407	Aircraft Fuel Servicing	O–P
410	Aircraft Systems Maintenance Operations (combining existing 410A, 410B, 410C, 410D, 410E, and 410F)	O–C
651	Aluminum or Magnesium Powder	O–P
910	Library Collections	O–P
911	Museum Collections	R

Types of Action

Proposed Action on Official Documents
- O-P Partial Amendments
- O-C Complete Revision
- O-T Tentative Revision

Proposed Action on New Documents
- N-T Tentative Adoption
- N-O Official Adoption

Proposed Action on Tentative Documents
- T-P Partial Amendments
- T-C Complete Revision
- T-O Official Adoption

Other Proposed Action
- R Reconfirmation
- W Withdrawal

[FR Doc. 79-23669 Filed 7-31-79; 8:45 am]

BILLING CODE 6820-27-M

National Fire Codes; Request for Proposals for Revisions of Standards

AGENCY: Office of the Federal Register.

ACTION: Request for Proposals.

SUMMARY: The National Fire Protection Association (NFPA) proposes to revise some of its fire safety standards. The Office of the Federal Register, as a public service, requests proposals from the public to amend existing NFPA fire safety standards. The purpose of this request is to increase public participation in the system used by the NFPA to develop its standards.

DATES: Interested persons may submit proposals on or before the dates listed with the standards.

ADDRESS: Assistant Vice President for Standards, NFPA, 470 Atlantic Avenue, Boston, Massachusetts 02210.

FOR FURTHER INFORMATION CONTACT:
Susan Schruth (202) 523–4534.

SUPPLEMENTARY INFORMATION:

Background

The National Fire Protection Association (NFPA) develops fire safety standards which are known collectively as the National Fire Codes. Federal agencies frequently use these standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register (OFR) approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR Part 51.

Request for Proposal

Interested persons may submit amendments, supported by written data, views, or arguments to the Assistant Vice President for Standards, NFPA, 470 Atlantic Avenue, Boston, Mass. 02210. Each person who submits a proposal must include his or her name and address, must identify the notice, and must give reasons for the proposal. The NFPA will consider any proposal that it receives on or before the date listed with the standard.

The NFPA will publish a copy of each written proposal that it receives and the disposition of each proposal by the NFPA Committee as the Technical Committee Report. The NFPA will send a copy of the Technical Committee Report to each person who submits a proposal.

The NFPA will make copies of the Technical Committee Report available for review at the Office of the Federal Register, 1100 L Street N.W., Room 8401, Washington, DC.

Dated: July 26, 1979.

Ernest J. Galdi,

Acting Director, Office of the Federal Register.

Standards.—The NFPA requests proposals from the public to amend the following standards:

Committee	Title	Proposal closing date
Aviation	NFPA 406M–1975, Aircraft Rescue and Fire Fighting Techniques	Open.
	NFPA 408–1973, Aircraft Hand Fire Extinguishers	Open.
	NFPA 412–1974, Foam Fire Fighting Equipment on Aircraft Rescue and Fire Fighting Vehicles.	Open.
	NFPA 419–1975, Airport Water Supply Systems	Open.
Blower systems	NFPA 91, Installation of Blower and Exhaust Systems for Dust, Stock and Vapor Removal for Conveying.	Nov. 1, 1979.
Boiler-furnace explosions	NFPA 85F–1978, Pulverized Fuel Systems	Dec. 31, 1979.
Chemicals and explosives	NFPA 43B, Storage of Organic Peroxide	Nov. 1, 1979.
	NFPA 44A, Manufacture, Transportation and Storage of Fireworks	Open.
	NFPA 49, Hazardous Chemicals Data	Nov. 1, 1979.
	NFPA 491M, Hazardous Chemical Reactions	Nov. 1, 1979.
Combustible metals	NFPA 48, Storage, Handling and Processing of Magnesium	Nov. 1, 1979.
	NFPA 481, Production, Processing, Handling and Storage of Titanium	Nov. 1, 1979.
	NFPA 482M, Zirconium	Nov. 1, 1979.
Dust explosion hazards	NFPA 61A, Manufacturing and Handling Starch	Nov. 1, 1979.
	NFPA 61C, Prevention of Fire and Dust Explosions in Feed Mills	Nov. 1, 1979.
	NFPA 61D, Prevention of Fire and Dust Explosions in the Milling of Agricultural Commodities for Human Consumption.	Nov. 1, 1979.
	NFPA 63, Prevention of Dust Explosions in Industrial Plants	Nov. 1, 1979.
	NFPA 66, Pneumatic Conveying Systems for Handling Feed, Flour, Grain and Other Agricultural Dusts.	Nov. 1, 1979.
	NFPA 654, Prevention of Dust Explosions in the Plastic Industry	Nov. 1, 1979.
	NFPA 655, Prevention of Sulfur Fire and Explosions	Nov. 1, 1979.
	NFPA 69, Explosion Prevention Systems	Open.
Fire department equipment	NFPA 1904, Maintenance, Care, Testing and Use of Fire Department Aerial Ladders and Elevating Platforms.	Aug. 15, 1979.
	NFPA 1921, Specifications for Fire Department Portable Pumping Units	Aug. 15, 1979.
Fire service professional standards development for fire fighter qualifications.	NFPA 1001–1974, Fire Fighter Professsional Qualifications	Sept. 4, 1979.
Fire service training	NFPA 1450M, Proposed Manual for the Planning of Fire Department Training Facilities.	June 30, 1980.
	NFPA 1451M, Proposed Guide for Emergency Vehicle Operator Training Programs.	June 30, 1980.
	NFPA 1452M, Proposed Guide for Training of Fire Department Personnel to Inspect Dwellings.	Dec. 31, 1979.
Firesafety symbols	NFPA 178, Proposed Symbol for Fire Fighting Operations	Aug. 20, 1979.
General storage	NFPA 231E, Proposed Standard on Storage of Baled Cotton	Dec. 31, 1979.
Health care facilities	NFPA 56B, Respiratory Therapy	Open.
Loss prevention procedures and practices.	NFPA 27–1975, Private Fire Brigades	Dec. 31, 1979.
	NFPA 601–1975, Guard Service in Fire Loss Prevention	Dec. 31, 1979.
	NFPA 601A–1975, Guard Operations in Fire Loss Prevention	Dec. 31, 1979.
Ovens and furnaces	NFPA 86A–1977, Ovens and Furnaces—Design, Location and Equipment	Dec. 31, 1979.
	NFPA 86B–1974, Industrial Furnaces—Design, Location and Equipment	Dec. 31, 1979.
Pest control operations	NFPA 57, Fumigation	Open.
Private water supply piping systems.	NFPA 24–1977, Outside Protection	Dec. 31, 1979.
	NFPA 291–1977, Marking of Hydrants	Dec. 31, 1979.
Pyrotechnics	NFPA 1121L, Model State Fireworks Law	Nov. 1, 1979.
	NFPA 1122L, Unmanned Rockets	Nov. 1, 1979.
Rack storage of materials	NFPA 231C–1975, Rack Storage of Materials	Aug. 20, 1979.
Standpipes	NFPA 14, Installation of Standpipe and Hose Systems	Open.
Suburban and rural fire departments.	NFPA 1231–1975, Water Supplies for Suburban and Rural Fire Fighting	Open.

[FR Doc. 79–23668 Filed 7–31–79; 8:45 am]

BILLING CODE 6820–27–M

Public Buildings Service

[GSA Order ADM 1095.2]

Consideration of Flood Plains and Wetlands in Decisionmaking GSA Procedures Regarding Floodplains and Wetlands

AGENCY: General Services Administration.

ACTION: Final internal procedure.

SUMMARY: This notice announces that GSA is publishing final internal procedures to be followed in implementing Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands. This notice is intended to inform the public of the actions that will be taken within GSA to minimize the impact of floods on human safety, health, and welfare; to minimize the destruction, loss or degradation of wetlands; and to preserve and enhance the natural beneficial value of floodplains and wetlands.

EFFECTIVE DATE: August 1, 1979;

FOR FURTHER INFORMATION CONTACT: Mr. Carl W. Penland, Acting Director, Environmental Affairs Division, Office of Space Management, Public Buildings Service, General Services Administration, Washington, DC 20405 (202–566–1416.

SUPPLEMENTARY INFORMATION: On May 24, 1978, GSA published a notice of a proposed internal procedure to implement Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands. GSA received comments from the Council on Environmental Quality, the U.S. Water Resources Council, the Federal Insurance Administration, the Department of the Interior, and the National Resources Defense Council. Most of the comments received were adopted and the order and attachments have been changed to reflect those suggestions. The recommended changes that were not adopted in the issuance are either (1) included in other GSA publications; (2) do not apply to any of the GSA program missions (3) considered to be duplicative of other actions currently required; or (4) considered beyond the scope of the order which implements overall agency policy.

Dated: July 3, 1979.

R. G. Freeman III,

Administrator of General Services.

July 23, 1979.

GSA Order

Consideration of Flood Plains and Wetlands in Decisionmaking

1. *Purpose.* This order prescribes the uniform procedures to be followed in implementing the laws and Executive orders concerning all GSA actions that affect flood plains and wetlands, consistent with the basic statutory responsibilities governing GSA program operations. This order also provides a basis for publication or revision, as required, of service and staff office orders and instructions which are directed toward GSA actions that may affect flood plains and wetlands.

2. *Background.* a. The laws, Executive orders, and programs which are the basis for this order include the National Environmental Policy Act (42 U.S.C. 4321, et seq.), hereinafter referred to as NEPA; the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001, et seq.); the Flood Disaster Protection Act of 1973 (Pub. L. 93–235, 87 Stat. 975); Executive Order 11988, of May 24, 1977, entitled "Floodplain Management," hereinafter referred to as the Flood Plains Order; the Guidelines issued by

the Water Resources Council for implementing Executive Order 11988, published in the **Federal Register** on February 10, 1978, 43 FR 6030; Executive Order 11990, of May 24, 1977, entitled "Protection of Wetlands," hereinafter referred to as the Wetlands Order; and the Unified National Program for Flood Plain Management, U.S. Water Resources Council Publication, 1976.

b. The Flood Plains and Wetlands Orders direct that each agency shall provide leadership and shall take action to:

(1) Minimize the impact of floods on human safety, health, and welfare;

(2) Minimize the destruction, loss, or degradation of wetlands;

(3) Preserve and restore the natural and beneficial values of flood plains and wetlands;

(4) Reduce the risk of flood loss;

(5) Develop a procedure to involve the public in the flood plain management and wetland protection decisionmaking process; and

(6) Incorporate the Unified National Program for Flood Plain Management into agency programs.

c. The Flood Plains and Wetlands Orders were issued to ensure that the agencies clearly recognize that flood plains and wetlands have unique and significant public values which warrant especially careful management. They are intended to prevent to the extent possible the long- and short-term adverse impacts associated with the occupancy, destruction, or modification of flood plains and wetlands and to avoid direct or indirect support of flood plain development and new construction in wetlands wherever there is a practicable alternative.

d. The more detailed requirements of the Flood Plains Order apply to actions which impact upon both flood plains and wetlands.

3. *Responsibilities.* a. The Head of the Service or Staff Office or Regional Administrator under whose jurisdiction the action is being planned, hereinafter referred to as the responsible official, is responsible for the implementation of this order, except as provided in b, below.

b. The responsible official shall take no action in or affecting flood plains or wetlands unless the Administrator has determined that it is the only practicable alternative.

c. The Commissioner of the Public Buildings Service, who acts for the Administrator on environmental matters, shall review and monitor GSA's programs and actions which may affect flood plains and wetlands.

4. *Applicability.* a. This order applies to the following GSA program actions which may involve flood plains and wetlands. This list is not intended to be all inclusive:

(1) Real property acquisition through Federal construction, purchase, or lease,

(2) Public buildings design and construction,

(3) Public buildings alteration,

(4) Public buildings operation,

(5) National strategic and critical materials stockpile management and operation, and

(6) Disposal of any interest in surplus real property to non-Federal public or private parties.

b. If a Federal agency requests conveyance of a property containing a flood plain or wetland, that agency is responsible for compliance with the Flood Plains and Wetlands Orders.

c. Examples of GSA actions which may be critical actions include:

(1) National strategic and critical materials storage,

(2) Irreplaceable records storage, and

(3) Acquisition of health facilities for client agencies.

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Chapter I. Definitions

1. *Action.* An "action" is any GSA activity which involves: Acquiring, managing, and disposing of Federal lands and public buildings; providing federally undertaken, financed, or assisted construction and improvements; and conducting Federal activities and programs affecting land use. Subpar. 4a of the transmittal order includes a list of GSA program actions.

2. *Base flood.* A "base flood" is the flood which has a 1-percent chance of occuring in any given year, the so-called 100-year flood.

3. *Base flood plains.* "Base flood plains" are those areas which have a 1-percent or greater chance of flooding in any given year, the so-called 100-year flood plains.

4. *Critical actions.* "Critical actions" are those actions which should not be exposed to even a slight chance of flooding. For example, storage of irreplaceable records; storage of volatile, toxic, or water-reactive materials; construction of hospitals and schools, the occupants of which may not be sufficiently mobile to avoid loss of life and injury; and construction of utilities and emergency services which would be inoperative if flooded.

5. *Critical action flood plains.* "Critical action flood plains" are those areas which have a 0.2-percent chance of flooding in any given year, the so-called 500-year flood plains.

6. *Direct impacts. "Direct impacts"* are those impacts caused by the action which occur at the same time and place as the action.

7. *Flood plains.* "Flood plains" are the lowland and relatively flat areas adjoining inland and coastal waters including tsunami ans seiche inundation zones and flood-prone areas of offshore islands, and, at a minimum, areas subject to a 2 percent or greater chance of flooding in any given year. Flood plains may be, but are not necessarily, wetlands.

8. *Indirect impacts.* "Indirect impacts" are those impacts which support an action or which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.

9. *Minimize.* "Minimize" means to reduce to the smallest practicable amount or degree.

10. *Practicable alternatives.* "Practicable alternatives" are those which:

(a) Meet justified program requirements,

(b) Are within the legal authority of GSA or its client agency,

(c) Meet technological standards,

(d) Are demonstrated as being cost effective, and

(e) Do not result in unreasonable adverse environmental impacts.

11. *Preserve.* "Preserve" means to prevent modification to the natural environment or to maintain it as closely as possible to its natural state.

12. *Public building.* "Public building" means a Federal office building, post office, customhouse, courthouse, appraisers store, border inspection facility, warehouse, record center, relocation facility, and any other similar Federal facility which the President designates. The complete definition of "public building" located at Sec. 13(1) of

the Public Buildings Act of 1959, 40 U.S.C. 612(1).

13. *Restore.* "Restore" means to return to a condition which as closely as possible resembles the condition which existed prior to disturbance by man.

14. *Wetlands.* "Wetlands" are those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances do or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally staturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river outflows, and mud flats, and natural ponds. Most wetlands are in flood plains. Only those werlands which are maintained by a high water table where surface water would not be present in the event of a base flood are not also considered flood plains.

Chapter 2. Implementing the Flood Plains and Wetlands Orders

1. *Meeting goals.*

a. The goals of the Flood Plains and Wetlands Orders shall be met by the following:

(1) GSA shall take advantage of all opportunities to provide leadership in the letter and spirit of the Flood Plains and Wetlands Orders.

(2) When an action affecting a flood plain or wetland is proposed, it shall be taken only if the following conditions are met:

(a) There is no practicable alternative outside the flood plain or wetland,

(b) The no action alternative is not practicable, and

(c) The flood plain or wetland site has been determined practicable.

(3) Land use plans (master plans) shall be formulated to avoid adverse impacts to flood plains and wetlands.

(4) The GSA acquisition and site selection processes shall preclude the acquisition of public buildings through Federal construction, purchase, or lease within:

(a) Base flood plains and wetlands,

(b) Areas in which the action would adversely impact or indirectly support development of the base flood plain or wetland, and

(c) Critical action flood plains, if the proposed use is considered a critical action.

(5) GSA shall not acquire, by purchase or lease, space or buildings within areas listed in (4) (a) thru (c), above.

(6) The alteration of public buildings, except normal maintenance and repair, shall be discouraged within base flood plains and wetlands if the action would:

(a) Enlarge the public building,

(b) Modify the use of the public building,

(c) Significantly increase the useful life of the public building,

(d) Increase or change the environmental impacts on natural or human resources, or

(e) Repair major damage from flooding.

(7) When it is proposed to dispose of any interest in surplus real property located in a flood plain or wetland to non-Federal public or private parties, the advertisement and conveyance documents shall reference those uses that are restricted under identified Federal, State, and local regulations and shall attach other appropriate property use restrictions, except where prohibited by law, or withhold the properties from conveyance.

(8) If public buildings or other GSA properties have suffered flood damage or are located in a flood hazard area, conspicuous signs shall show past or probable flood heights to enhance public awareness of and knowledge about flood hazards.

(9) When there is no practicable alternative to taking an action in a flood plain or wetland all practicable means shall be used to minimize the adverse impacts.

(10) When a wetland is located in a flood plain the more detailed requirements of the Flood Plains Order shall be applied.

b. Exceptions to (3), (4), (5) and (6), above, are permissable when the Administrator has determined, by utilizing the decisionmaking process in par. 2, that no practicable alternative exists.

2. *The decisionmaking process.* The decisionmaking process for those GSA activities listed in subpar. 4a of the transmittal order will in many instances be incorporated into the agency's compliance with NEPA and shall include the following steps.

a. *Determination.* In the early stages of planning an action, the responsible official shall determine if the action will involve the disposal of a property in a base flood plain or wetland or if it could involve the use of a property in a base flood plain or wetland.

(1) A determination regarding flood plains shall be made by inspecting Department of Housing and Urban Development flood plain maps of the property or by referring to a more detailed source, if available. This process and sources of flood plain information and technical assistance services are described in part II, step 1 of the Water Resources Council Guidelines.

(2) A determination regarding wetlands should be made by inspecting the property and by applying the definition in ch. 1–14. However, if a determination cannot be made on the basis of the definition and inspection, the information shall be requested from the Fish and Wildlife Service of the Department of the Interior. Other sources include the Corps of Engineers, the Environmental Protection Agency, and local planning and zoning agencies.

(3) When a determination is made that the action will not involve the use or disposal of a base flood plain or wetland, the responsible official shall determine if the proposed action will have any indirect impact by performing the analysis in d, below.

b. *Early public review.* As soon as it is known that the proposed action may involve property in a base flood plain or wetland, the proposed action shall undergo early public review to allow interested parties the opportunity to offer their views.

(1) Distribution of notices for early public review shall occur:

(a) Immediately after determining the property surplus,

(b) As soon as possible after the establishment of a delineated area which does not specifically exclude base flood plains and wetlands as acceptable sites, or

(c) As soon as possible after it becomes apparent that any GSA action may involve the use of or have an impact upon a base flood plain or wetland.

(2) The responsible official shall provide those individuals and groups who normally receive Environmental Impact Statements (EIS's) and those groups having specific interest in flood plain and wetland managment a description of the property, plan, or proposal and (for flood plains only) as much of the material that has been developed to date to satsify the A–95 clearinghouse review requirements of the Flood Plains Order.

(3) Public hearings may be held when the responsible official determines that public hearings are the best method of notifying the public about the proposed action. A decision to hold a public hearing shall be based on the significance of the impact of the action on the base flood plain or wetland and the degree of interest the public has expressed or would express if it were aware of the action. If public hearings are held under the EIS process on the proposed action, these hearings will

meet the requirement for hearings under he Flood Plains Order.

(4) Actions which are classified for security purposes may be excluded from the public review process.

c. *Alternatives.* If the proposed action could be in a base flood plain or wetland or could affect base flood plain or wetland, the responsible offical shall determine if there are any practicable alternatives. An alternative shall be considered practicable if all elements of the definition in ch. 1–10 are met.

(1) The following alternatives shall be considered:

(a) Carrying out the proposed action at a location outside the base flood plain or wetland (alternative sites),

(b) Using other means which accomplish the purpose of the proposed action (alternative actions), and

(c) Taking no action.

(2) The elements of the definition of practicable shall not be used as overly restrictive criteria to prevent the selection of an alternative which does not adversely affect the flood plain or the wetland, because that use would defeat the purpose of the Flood Plains and Wetlands Orders.

d. *Impacts.*

(1) The impacts of each alternative, the hazards involved with each alternative, and available mitigating measures shall be identified and analyzed in comparative form. Part II, step 4 of the Water Resources Council Guidelines shall be referred to as a guide for impact analysis.

(2) The responsible official shall consider economic, environmental, and other pertinent factors when evaluating the impacts of the alternatives. The NEPA implementation processes are the principal means of identifying impacts. The three basic types of impacts which must be assessed are:

(a) Positive and negative,

(b) Concentrated and dispersed, and

(c) Short- and long-term.

(3) The responsible official may assume that he has complied with this order if the proposed action is not located in a base flood plain or wetland and the impact analysis concludes that the action will have neither direct nor indirect impact on the base flood plain or wetland.

e. *Decision.* A decision on an action which could be located in or which may have an impact upon a base flood plain or a wetland shall not be made until the environmental assessment, final EIS, or other impact analyses and alternative studies have been completed. If the responsible officials selects the alternative which is located in or which may have an impact upon a base flood plain or a wetland, he or she shall request that the Administrator approve the proposed course of action. The Administrator shall approve the proposed course of action only if:

(1) There is no practicable alternative outside the flood plain or wetland,

(2) The no action alternative is not practicable, and

(3) The flood plain or wetland site has been determined practicable, or

(4) The requirements of subpar. 1a(7) are followed for real property disposal actions.

f. *Minimize impacts.* The processes in (1) thru (5), below, shall be used to minimize impacts from actions undertaken in flood plains and wetlands.

(1) If the action is the subject of an environmental assessment or an EIS, all practicable mitigating measures identified in the assessment or EIS shall be adopted.

(2) If the action is to be undertaken in a base flood plain, it must at a minimum meet the standards and criteria, and be consistent with the intent of, the National Flood Insurance Program (24 CFR 1909). It may deviate from this only if the standards are demonstrably inappropriate. This means that actions will be designed and carried out as they would be to meet at a minimum the substantive requirements for eligibility under the National Flood Insurance Program even though GSA actions are not insured under this program.

(3) All practicable means shall be taken to "floodproof" structures and to design or modify structures and/or actions to minimize potential harm to or within the flood plain. Elevation of a structure above the base flood level or the 500-year level for critical actions shall be taken whenever practicable instead of filling in land. This shall be accomplished by the use of open works, for example, columns, walls, piled, or piers.

(4) Part II, step 5 of the Water Resources Council Guidelines shall be referenced for additional guidance and examples of actions that may be utilized to minimize harm to lives and property and to restore and preserve the natural and beneficial values served by flood plains.

(5) If the action is to undertaken in a wetland, the action shall be designed or modified using all practicable measures consistent with the intent of the National Environmental Policy Act and the Wetlands Order to minimize harm to the wetland.

g. *Public notice.* Public notices are required by the Flood Plains Order, but they are not required by the Wetlands Order. However, the responsible official shall consider the impacts of actions on wetlands and the level of concern the public has shown, or would show if it were aware of the actions, and determine whether the public interest would be served by a public notice. Public notices shall be prepared and issued as follows:

(1) The responsible official shall prepare the public notice, not exceeding three pages in length, which shall include:

(a) An explanation why the action is proposed in the base flood plain or wetland,

(b) A statement indicating whether the action conforms to State and local flood plain or wetland standards,

(c) A list of the alternatives considered, and

(d) A location map.

(2) The public notice shall be transmitted to:

(a) State and areawide A–95 clearinghouses,

(b) Individuals and groups who normally receive EIS's on GSA actions in the geographical area, and

(c) Groups which have special interest in flood plains or wetland management.

(3) Distribution of the public notice for actions affecting a base flood plain or wetland shall occur as soon as possible after:

(a) The issuance of the record of decision which follows the final EIS,

(b) The approval of an environmental assessment and negative declaration, or

(c) The decision to take an action which is not included in a and b, above.

(4) The public notice shall be circulated for a commenting period of not less than 15 calendar days prior to commencement of the action.

(5) All GSA notices on actions subject to OMB Circular A–95 must state, if known, whether or not the action is located in a base flood plain or wetland.

h. *Implement.* When the actions in a thru g, above, have been taken, the proposed action may be implemented. The responsible official shall ensure that the action is accomplished in compliance with the Flood Plains and Wetlands Orders.

3. *Critical actions.* Actions listed in subpar. 4b of the transmittal order shall be examined individually to determine if they are critical actions. The development of proposals which are critical actions shall follow the decisionmaking process in par. 2, by substituting the term "critical action flood plain" for "base flood plain."

4. *Continuing actions.* All continuing activities being conducted in wetlands and flood plains shall be periodically

evaluated to determine their impacts upon the wetland or flood plain. The responsible official shall establish procedures for periodic physical inspections to identify adverse impacts upon the wetlands or flood plains, to evaluate those impacts and possible mitigation measures to minimize or eliminate the impacts, and to monitor the effectiveness of the implemented mitigation measures. All practicable mitigating measures shall be taken to minimize adverse impacts upon the wetlands and floodplains.

5. *Requests for authorization or appropriation.* When congressional authorization or appropriation is necessary for the proposed actions, the request to OMB must indicate the action is in compliance with the policy and mandatory provisions of the Flood Plains and Wetlands Orders.

[FR Doc. 79-23632 Filed 7-31-79; 8:45 am]
BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Ethics Advisory Board; Meeting and Public Hearing, Disclosure of Certain Information Under the Freedom of Information Act

Notice is hereby given that the Ethics Advisory Board will hold a meeting and public hearing on the subject of possible exemptions to disclosure under the Freedom of Information Act for data relating to: (1) institutions and individuals cooperating with epidemiologic investigations conducted by the Center for Disease Control (CDC); and (2) research being conducted by the National Institutes of Health (NIH), where the data are incomplete. The meeting and hearing will be held on September 14–15, 1979 in Room 800, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. It will begin at 9:00 a.m. both days, and will be open to the public subject to limitations of available space.

Any person wishing to speak at the hearing must submit a request in writing no later than August 31, 1979 at the following address: Ethics Advisory Board, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Maryland 20016, telephone number 301–496–7776. Requests should include a brief summary of the presentation. Speakers will be given 5 minutes to present their views; written materials of any length may be submitted at any time and will be distributed to each member of the Board.

In addition to the public hearing, the agenda for the meeting will include discussion of possible further topics for study by the Ethics Advisory Board such as, for example, possible compensation for subjects who are injured in the course of their participation in biomedical or behavioral research.

In order to focus discussion at the hearing, specific comments are solicited on the following proposals by the Center for Disease Control and the National Institutes of Health:

Providing Confidentiality to Health Care Providers Cooperating With the Center for Disease Control

The purpose of this proposal is to amend the Public Health Service Act to authorize the Director of the Center for Disease Control (CDC) to issue assurances of confidentiality to health care providers who voluntarily make data available to that agency. No information which identifies them will be disclosed except under the conditions specified below.

Background Information

The CDC monitors the occurrence of disease and conducts epidemiologic studies to identify their causes, to determine if they are preventable, and to consider remedies which will reduce or eliminate them. Disease investigations and epidemiologic monitoring are routinely undertaken by CDC at the request, or with the endorsement, of the state health agency or agencies concerned.

Health care providers voluntarily report to Federal and State agencies (except for a small number of cases which by law must be reported) cases of illness, disease and death. In many cases, outbreaks of illness become known to CDC only because health care providers voluntarily submit information. Were it not for such reporting, CDC would have little opportunity to investigate many instances of preventable illness and death.

Voluntary reporting by health care providers (often accompanied by requests for CDC assistance) is important for the public good because the ensuing investigation often demonstrate that the illnesses and deaths examined are partially or totally preventable. CDC investigations often lead to the adoption of procedures which reduce or eliminate certain diseases. When the results of an investigation are disseminated nationwide, health care providers are enabled to take action to prevent further disease and death.

Documents resulting from investigation are retained in CDC files and under the Freedom of Information Act (FOIA) are subject to release upon request by any member of the public. In a number of instances the identity of cooperating health care providers has been disclosed. Some of the providers so identified have received adverse publicity, suffered financial losses resulting from decreased use of their facilities, and have been subjected to costly litigation. These unfortunate results followed the release of identifiers even in cases where the medical services provided were entirely appropriate and where the provider exhibited an exemplory sense of public responsibility in requesting and participating in CDC investigations.

To prevent such consequences, many states have enacted legislation which prohibits the State from disclosing the identity of hospitals that supply information. Similar protections are available to certain Federal agencies that collect information voluntarily reported by persons or institutions.

Regardless of whether the provision of medical care is adequate, voluntary reporting to and cooperation with CDC investigations serves the public good because it allows CDC to cooperate with State agencies, which can assure the adoption of corrective procedures and practices. However, if the present severe disincentives continue, many health care providers will refuse to cooperate. As a matter of fact, failure to report often means that a provider simply discontinues the monitoring and analyzing activities necessary to determine the existence and nature of a medical problem. Non-reporting results in serious harm to the public good because preventable illness and disease will remain unidentified, corrective measures will not be taken, and avoidable illness, disease and death will occur. The legislation proposed below should be designed to encourage and protect voluntary reporting. Enactment will serve to prevent significant suffering of illness, disease and death.

Proposed Remedy

The Public Health Service Act should be amended to protect from disclosure the identity of health care providers that voluntarily provide CDC with information for purposes of disease investigation, epidemiologic monitoring or epidemiologic study.

The amendment should continue to permit CDC to freely share the identity of health care providers with state health departments. It should also prohibit further disclosure of the identity

of the provider unless the provider has publicly revealed the fact that it has participated in a disease investigation or consents to disclosure.

The proposed amendment does not restrict CDC's ability to release data, data analyses, conclusions and recommendations arising from disease investigations, epidemiologic studies or monitoring processes.

A Proposal Submitted by the National Institutes of Health: Protection of Research Data Under the Freedom of Information Act (FOIA)

The purpose of this proposal is to protect from disclosure data from clinical trials and observational epidemiological studies which are preliminary, incomplete, or not yet validated.

The Federal Government, particularly through the National Institutes of Health (NIH), is currently the largest source of support for biomedical and behavioral research in the country. The NIH has as its primary mission the conduct of biomedical research for improving the health of he nation's citizens. Occasionally, this reasearch mission comes into conflict with the public's right to know as guaranteed by the Freedom of Information Act (FOIA). This can occur where disclosure threatens the successful completion of ongoing research and may deprive the public of an important health benefit.

The primary purpose of the FOIA is to promote "the fullest responsible disclosure" of information about the conduct of the Federal Government. The Act requires disclosure of agency records and information about agency operating procedures, but it exempts nine specific categories of information. These exemptions are narrowly construed and represent, in part, an attempt by the Congress to balance the public's right to know how its Government functions against those instances where maintaining confidentiality may best serve the public interest.

The Freedom of Information Act (FOIA) contains three exemptions which may pertain, in some instances, to scientific research information.[1] However, none of the FOIA exemptions adequately protects or even addresses the issue of disclosure of scientific research data. The absence of protections for preliminary data and the growing number of requests for information have led to the concern that premature findings will be released which could jeopardize the public health and be fatal to the successful completion of much important research.

As several recent court decisions have pointed out, the release of information about federally conducted or funded research is, in many cases, required by the FOIA.[2] Whether or not scientific research data must be disclosed depends upon the legal relationship between the investigator and the Federal Government.[3]

The District of Columbia Court of Appeals has ruled that preliminary data collected under a Federal grant need not be released to a member of the public under the FOIA because the funding agency neither possesses the data nor has control over the research.[4] It is unclear what protection, if any, the courts would give to research data collected under contract.[5] Finally, research carried out by Federal employees is protected to an even lesser degree because it is a direct activity of the Federal agency.[6]

Arguments for the Protection of Research Data

There are a number of reasons why the premature disclosure of research data may be undesirable. One is the fact that a scientist's ideas are his only "stock-in-trade." The scientist has a proprietary interest in being allowed to develop his or her own ideas and to control the release of those ideas. Ultimately, those ideas, like those of an artist or author, may deserve commercial protection.

The nature of the research endeavor is such that it is essential to assure that results of the scientific process are released when they will most effectively promote the public good. Since the final conclusions drawn from research data are often quite different from preliminary findings, a crucial part of the scientific process must be the validation and evaluation of the data obtained during the experiment or trial. The validation process eventually includes peer review of the research findings, finally resulting in publication. Peer review prior to acceptance for publication includes a careful scrutiny of the experimental design and, where appropriate, affirmation of the statistical validity of the conclusions. Premature disclosure interrupts the process of validation. The result may be release of misleading data.

Clinical Trials and Observational Epidemiological Studies

There are potentially disastrous consequences in the premature release of incomplete or invalidated data. A clinical trial is an intricate and sophisticated test of an innovative medical technology to determine if it is worthy of general introduction into the practice of medicine. It often takes many years, thousands of subjects and millions of dollars to complete a clinical trial.

Current HEW regulations require that an Institutional Review Board (IRB) approve every research project before human subjects are even asked if they will consent to participate in an experiment.[7] Each volunteer must give his or her free and informed consent to participation in a research project. If any risks to the subjects are anticipated, regulations further require continuing review throughout the trial, often undertaken by a Data and Safety Monitoring Board. These Boards, in addition to individuals with clinical knowledge, and biostatistical expertise, include members who are public advocates. It is the responsibility of these Boards to continually scrutinize the conduct of clinical trials in order to assure the safety of the participants. Where necessary, a trial will be stopped

[1] The exemptions relevant to the protection of research data are those that protect "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552(b)(4)); "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" ((b)(6)); and information which is "specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld" ((b)(3)).

[2] See, *Washington Research Proj., Inc.* v. *Department of H.E.W.*, 504 F.2d 238 (D.C. Cir. 1974) *cert. denied*, 421 U.S. 963 (1975); *Forsham* v. *Mathews*, Civ. Act. No. 75–1608 (D.D.C. Feb. 5, 1976), *aff'd sub nom. Forsham* v. *Califano*, 587 F.2d 1128 (D.C. Cir. 1978) The Supreme Court granted certiorari on May 14, 1979 (No. 78–1118) and will hear the case sometime next term; and *Johnson* v. *Department of H.E.W.*, 462 F. Supp. 336 (1978.

[3] Under the FOIA, "agency records" must be disclosed. Thus, if research data constitute "agency records," they may not be withheld from the public unless they come under one of the exemptions. (5 U.S.C. 552(a)(4)(B)).

[4] *Forsham* v. *Mathews*, Civ. Act. No. 75–1608 (D.D.C. Feb. 5, 1976), *aff'd. sub nom. Forsham* v. *Califano*, 587 F.2d 1128 (D.C. Cir. 1978) The Supreme Court, as indicated in note 2, has granted certiorari and will hear the case sometime next term. It may, or may not, affirm the court of appeals ruling.

[5] In this case, the agency approves the research protocol and actually controls, to some degree, the conduct of research and, in addition, may possess, or have direct access to, the research records. The distinction between grants and contracts is significant—grants are initiated by the investigator and the role of the Government is to provide financial assistance, whereas contracts are initiated by the agency which is procuring the scientific services of the contractor.

[6] This is termed intramural research. Extramural research is defined as that conducted by grantees or contractors who receive Federal funding.

[7] 45 CFR Part 46.

or modified to prevent injury to the subjects.

If premature release of data occurs during the trial, the participants, as well as the investigators, may then deviate from the research plan because of beliefs based on incomplete data or a loss of interest and thus jeopardize the validity of the trial. If the entire trial is so disrupted that it cannot be reconstituted, there will be an immeasurable loss to the public of a huge investment, both in dollars and human effort, but most important, the deprivation of a valuable contribution to human health.

Another type of clinical investigation is the observational epidemiological study[*] Many of the same concerns are present here and the breakdown of the research may deprive the public of important public health benefits since many kinds of information cannot readily be obtained in any other way. Of similar concern are investigations on animals to test toxic substances and new drugs which have direct implications to human health.

A clinical study must be carried out to a valid conclusion in order to guarantee that the tremendous investment involved will yield the maximum public benefit. However, some will argue that the public should have access to information about *all* Government information, including ongoing clinical studies. These interests—the public's right to know and the need to protect an experiment so it will produce a result useful to society—may occasionally clash. It is not a simple task to balance the opposing interests; nor is it impossible. It is important to assure that protection of research data does not involve the unwarranted suppression of information, but if the research mission is to be fulfilled, important scientific questions must not be doomed to perpetual uncertainty because of the public's right to know.

Clinical trials and observational epidemiological studies are particularly vulnerable to disruption from premature disclosure. It is from the data of these research studies that special statutory protection is proposed at this time.

Proposed Remedies

NIH proposes that a statutory amendment be drafted to protect from disclosure data from clinical trials and observational epidemiological studies which are preliminary, incomplete, or not yet validated. Withholding these data from disclosure should depend upon a determination that their release would jeopardize the conduct, completion, or validity of the research project. However, nothing in this proposal is intended to modify current procedures which require that every assurance be given in the structuring and conduct of a trial that the rights of human subjects of clinical trials will be safeguarded. The proposal must be carefully drafted so that, if preliminary data indicate the likelihood of human injury (through review by IRB's and, where appointed, Data and Safety Monitoring Boards), the withholding of such data from the public would not be required.

The requirements for statutory protection of these research data could be implemented in a number of ways. The following questions may serve as a guide for those who wish to comment on the proposal.

1. Should the scope of the amending language be limited as proposed above, or should it include protection for the premature release of data from *any* scientific research of potential importance to the nation's health?

2. Should the scope of amendments be limited to the National Institutes of Health, to all Public Health Service agencies (including NIH, CDC, and the Food and Drug Administration), or include additional Federal agencies (such as the Veterans Administration, the National Science Foundation, and the Department of Energy)?

3. When the department or agency head determines that the premature disclosure of research data would harm the public or the scientist, should he or she have *discretion* to withhold the data or should withholding be *mandatory*? If withholding is discretionary, what should be the standards for the exercise of discretion?

4. Should the authority to withhold from disclosure ideas, novel experimental techniques, data, or even a scientist's conclusions, be time-limited and, if so, who should decide when and for what reasons information should be withheld?

5. What if the only justification for withholding data from the public is protection of the scientist's ideas? Should a research proposal be given some degree of protection before or during agency review, after a funding commitment is made, or only if funding is denied?

6. At present, under the Freedom of Information Act, data are treated differently, depending upon whether they are obtained by intramural or extramural scientists. Should all data be treated in the same way?

7. Should any statutory remedies for protection of preliminary research data include an initial administrative mechanism for resolving disputes, or is the current availability of judicial review adequate?

8. Should the statutory solution to this problem be in the form of a general amendment, such as an exemption 10 under section 552(b) of the Freedom of Information Act, or a specific amendment to all relevant statutes falling under the conditions set forth in exemption 3 of section 552(b)?

9. Should the proposal include giving the agency or department head the authority to promulgate regulations governing procedures and criteria for disclosure, rather than direct application of statutory criteria?

Requests for information should be addressed to Ms. Roberta Garfinkle, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Maryland 20016, telephone 301–496–7776.

Dated: July 24, 1979.

Charles R. McCarthy,

Staff Director, Ethics Advisory Board.

[FR Doc. 79-23734 Filed 7-31-79; 8:45 am]

BILLING CODE 4110-08-M

[*] The observational epidemiological study is one in which the health status of two or more populations, differing insofar as possible in a single and definable parameter (e.g., radiation exposure, consumption of saccharin, use of hair dyes), is studied and compared.

Office of the Assistant Secretary for Health

Intent To Grant Exclusive Patent License

Pursuant to section 6.3, 45 CFR, Part 6, and 41 CFR 101–4, notice is hereby given of an intent to grant to Nuclear Pacific, Inc. of Seattle, Washington, an exclusive license to manufacture, use, and sell an invention of Michael D. Stern and Donald L. Lappe entitled "Method of and Apparatus for Measurement of Blood Flow using Coherent Light." A copy of U.S. Patent No. 4,109,647, which issued on the invention on August 29, 1978, may be obtained upon written request to the Acting Chief, Patent Branch, Department of Health, Education, and Welfare, 5A03 Westwood Building, National Institutes of Health, Bethesda, Maryland 20205.

The proposed license will have a duration of five (5) years, may be royalty-bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with Department of Health, Education, and Welfare (HEW) patent regulations. HEW will grant the license unless, by October 1, 1979, the Acting Chief of the Patent Branch, named hereinabove,

receives in writing any of the following, together with supporting documents:

(1) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

(2) An application for a nonexclusive license to manufacture, use, or sell the invention in the United States is submitted in accordance with 41 CFR 101–4–104–2, and the applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant Secretary for Health of the Department of Health, Education, and Welfare will review all written responses to this Notice.

Authority: 45 CFR 6.3 and 41 CFR 101–4.

Dated: July 25, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 79–23733 Filed 7–31–79; 8:45 am]

BILLING CODE 4110–85–M

Office for Civil Rights

Proposed Annual Operating Plan for Fiscal Year 1980

The Office for Civil Rights (OCR) is issuing its Proposed Fiscal Year 1980 Annual Operating Plan for public comment. The plan sets forth the compliance and enforcement activities that OCR proposes to conduct in FY 1980.

OCR has an authorized employment ceiling of 1700. Of these, 440 are assigned to the Headquarters and 1260 are assigned to ten regional offices. The regional staff is composed of managers, supervisors, investigators, attorneys and clericals. This regional staff produces 588 person years of investigator time. These staff resources will be assigned to compliance and enforcement work in FY 1980 as follows:

	Investigator time	
	Person years	Percent
Complaint Investigations	243	41
Compliance Reviews	258	44
Pre-award Reviews	54	9
Monitoring	33	6
Total	588	100

Complaint Investigations. Table 1 shows the projected number of complaints OCR expects to receive during the fiscal year and their distribution by jurisdiction. In order to determine the level of staff resources required to process these complaints, two projections were made. They are:

OCR expects to receive 5,855 complaints in FY 1980. Of these, 55 percent will require a full investigation and 45 percent will be resolvable without a formal investigation or closed administratively because they were incomplete or outside OCR's jurisdiction.

Investigators will resolve an average of 13 investigated complaints per investigative year.

Based on these projections, 243 investigative years are allocated to complaints

If either or both of these projections are not accurate, the amount of staff assigned to complaint processing will be adjusted. For example:

It is possible that complaint receipts could range from as high as 7,220 to as low as 4,480. Within this range as many as 4,693 or as few as 2,016 complaints could require a full investigation.

Investigator productivity could be higher than projected. A goal of 18 investigated complaint closures per investigative year has been set for internal management purposes.

Adjustments in the staff assigned to complaint processing required by either of these 2 circumstances will be accomplished by adjusting the level of staff assigned to compliance reviews. For example, if fewer complaints are received or if productivity rates are higher than 13, investigative time will be transferred from complaints to compliance reviews. Any such adjustments will be announced in a supplementary AOP and be published during FY 1980.

Compliance Reviews. A total of 258 investigative years are available to conduct compliance reviews in FY 1980. Of this, 100 investigative years will be used for reviews started, but not completed in previous years. The remaining 158 investigative years will be allocated for newly initiated reviews.

The proposed list of issues to be covered in FY 1980 reviews is presented in Table 2. These issues were identified on the basis of survey results, findings from previous complaint investigations and compliance reviews, and related research findings.

After analyzing the comments received, a final list of issues will be developed. The final AOP will list those issues and indicate the number of reviews to be conducted in each area and the amount of resources to be assigned.

Pre-Grant Reviews. If FY 1980, OCR will review the civil rights compliance of applicants for HEW grants under the Elementary School Aid Act (ESAA) and in health and human development programs prior to the award of the Federal assistance. OCR is allocating 54 investigative years to this work. Table 3 presents the distribution of staff on pre-grant review activities.

Monitoring. During FY 1980, OCR will review compliance agreements to determine whether recipients are complying with their terms. These activities will include monitoring the desegregation plans of institutions of higher education and the methods of administrations of state vocational education agencies. OCR is allocating 33 investigative years to this work.

Summary. Table 4 summarizes the allocation of investigative years by recipient groups. Table 5 summarizes the same allocation by jurisdiction.

Comments. OCR solicits comments from the public on this Proposed Annual Operating Plan. Comments should be addressed to the Director, Office for Civil Rights, Department of Health, Education, and Welfare, Room 5400, 330 Independence Avenue, S.W., Washington, D.C. 20201, and should be received no later than September 15, 1979. OCR will review the proposed plan in the light of the comments its receives, and so far as it is able to do so, it will revise the plan to reflect suggestions that have merit. OCR will issue its final Annual Operating Plan for FY 1980 before October 15, 1979.

Dated: July 26, 1979.

David S. Tatel,

Director, Office For Civil Rights.

Table 1.—*Fiscal Year 1980 Proposed Annual Operating Plan*

[Projected fiscal year 1980 Complaint Receipts]

Jurisdiction	Number of complaints	Percent
Title VI	1,856	32
Title IX	1,112	19
Section 504	2,887	49
Total	5,855	100

Table 2.—*Fiscal Year 1980 Proposed Annual Operating Plan*

[Proposed Compliance Review Issues]

Issue	Description of violation
ELEMENTARY AND SECONDARY EDUCATION	
1. Identification of and services to limited english proficiency (LEP) children.	Discrimination against non-English speaking (NES) or limited english proficiency children including NES and L[illegible] handicapped children.

Table 2.—*Fiscal Year 1980 Proposed Annual Operating Plan—Continued*

[Proposed Compliance Review Issues]

Issue	Description of violation
2. Within-school segregation: classroom assignments, tracking and ability grouping special education, mainstreaming, and physical education programs.	Discriminatory assignment of students on the basis of race, national origin, sex and/or handicap to courses, classrooms, special programs (including educable mentally retarded and gifted or talented), ability grouping, special education programs, and athletic and physical education programs.
3. School discipline: Expulsions and suspensions	Discriminatory disciplinary treatment of students on the basis of race, national origin, sex and/or handicap.
4. Vocational education: Access, admissions and job placement	Discrimination on the basis of race, national origin, sex and/or handicap in vocational education programs and in industrial arts and home economic courses.
5. Special purpose schools: Program availability and least restrictive environment.	Discrimination in admissions, accessibility, treatment or employment in state administered special purpose schools on the basis of race, national origin, sex and/or handicap.
6. School segregation	Discriminatory assignment of students to schools on the basis of race or national origin.
POST-SECONDARY EDUCATION	
1. Program accessibility for the handicapped	Lack of program accessibility and accommodations for handicapped students in school programs.
2. Graduate and professional school admissions	Discrimination on the basis of race, national origin, sex and/or handicap in admissions to graduate and professional schools.
3. Intercollegiate athletics: Overall program equality	Inadequate comparability of programs including interests and abilities of students and inadequate comparability of facilities provided.
4. Dual school systems	Discriminatory assignment of students or establishment and continuation of dual school systems on the basis of race.
HEALTH AND HUMAN DEVELOPMENT	
1. Admission practices for hospitals, nursing homes and extended care facilities.	Discrimination on the basis of race, national origin and/or handicap in hospital, nursing home or extended care facility accessibility and/or admissions
2. Medicaid/Medicare: Delivery of services	Discrimination on the basis of race, national origin and/or handicap in the provision of Medicaid and Medicare services
3. Hospital services to special population groups	Discrimination by hospitals receiving federal funds on the basis of national origin and/or handicap in providing bilingual services and services to meet needs to visually and hearing impaired patients.
4. State welfare agencies: Bilingual services and methods of administration.	Discrimination on the basis of race, national origin and/or handicap in provision of welfare services by state welfare agencies.
5. Mental health center/mental health hospital practices: Equal care and bilingual services.	Discrimination on the basis of race, national origin and/or handicap by mental health agencies in the provision of services to clients.
6. Vocational rehabilitation services for the handicapped	Discrimination in the provision of services and benefits to severely mentally and physically handicapped individuals.
7. Child welfare referral practices: Foster care, bilingual services, and location of services.	Discrimination by child welfare agencies receiving federal funds in the provision of services and benefits to minority and/or handicapped children.
8. Title XX: Supportive services to elderly and disabled adults	Discrimination on the basis of race, national origin and/or handicap in the provision of services and benefits to elderly and disabled adults.
9. Health planning	Discrimination on the basis of race, national origin and/or handicap in the provision of health care which result from health planning activities conducted by health services agencies

Table 3.—*Fiscal Year 1980 Proposed Annual Operating Plan*

[Pre-Grant Review Activities]

Type of review	Number of reviews	Investigative years required
ESAA	655	47
Health	1,600	7
Total	2,225	54

Table 4.—*Fiscal Year 1980 Proposed Annual Operating Plan*

[Investigative Years Allocated to Each Type of Recipient]

Type of recipient	Complaints	Compliance reviews	Pre-grant reviews	Monitoring	Total	Percent
Elementary and secondary schools.	129	83	47	8	267	45
Post-secondary education institutions.	46	59	0	22	127	22
Health and human development agencies.	68	116	7	3	194	33
Total	243	258	54	33	588	100

Table 5.—*Fiscal Year 1980 Proposed Annual Operating Plan*

[Investigative Years Allocated to Each Jurisdiction]

Jurisdiction	Complaints	Compliance reviews	Pre-grant reviews	Monitoring	Total	Percent
Title VI	78	101	54	27	260	44
Title IX [1]	46	52	0	3	101	17
Section 504	119	105	0	3	227	39
Total	243	258	54	33	588	100

[1] Resources allocated to Title IX constitute only 17 percent of the total time because Title IX does not extend to health and human development agencies. However, 26 percent of the staff time devoted to elementary, secondary and post-secondary education activities will be focused on Title IX issues.

[FR Doc. 79-23644 Filed 7-31-79; 8:45 am]

BILLING CODE 4110-12-M

National Institutes of Health

Allergy and Clinical Immunology Research Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Allergy and Clinical Immunology Research Committee, National Institute of Allergy and Infectious Diseases on October 22, 1979, National Institutes of Health, Building 31, Conference Room 9.

This meeting will be open to the public from 8:30 a.m. until 10-30 a.m. on October 22, 1979 to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public on October 22, 1979 from 10:30 a.m. until 5 p.m., for the review,

discussion, and evaluation of individual grant applications. These applications, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, Building 31, Room 6A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meeting, and rosters of the Committee members.

Dr. Harley G. Sheffield, Executive Secretary, Allergy and Clinical Immunology Research Committee, NIAID, NIH, Westwood Building, Room 706, telephone (301) 496–7966, will provide substantive program information.

Dated: July 26, 1979.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health)

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79–23666 Filed 7–31–79; 8:45 am]

BILLING CODE 4110–08–M

Microbiology and Infectious Diseases Advisory Committe; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Advisory Committee, National Institute of Allergy and Infectious Diseases, on October 25–26, 1979, at the Linden Hill Hotel, Linden Room, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a. m. until 10:30 a.m. on October 25 to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c) (4) and 552b(c) (6), Title 5, U.S. Code and Section 10(d) of the Pub. L. 92–463, the meeting of the Committee will be closed to the public from 10:30 a.m. on October 25 until adjournment on October 26 for the review, discussion, and evaluation of individual grant applications and contract proposals. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, National Institutes of Health, Building 31, Room 7A32, Bethesda, Maryland 20205, (301) 496–5717, will provide summaries of the meeting, and rosters of the Committee members.

Dr. Thelma N. Fisher, Executive Secretary, Microbiology and Infectious Diseases Advisory Committee, NIAID, National Institutes of Health, Westwood Building, Room 706, Bethesda, Maryland 20205, (301) 496–7465, will provide substantive program information.

Dated: July 26, 1979.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health)

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79–23667 Filed 7–31–79; 8:45 am]

BILLING CODE 4110–08–M

NIH Public Advisory Committees; Renewal and Merger

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the Animal Resources Review Committee. Authority for the Animal Resources Review Committee will expire May 31, 1980, unless the Secretary formally determines that continuance is in the public interest.

In addition, the NIH announces the merger of the Arteriosclerosis and Hypertension Advisory Committee with the Lipid Metabolism Advisory Committee to form the Arteriosclerosis, Hypertenion and Lipid Metabolism Advisory Committee. Authority for this committee will expire June 30, 1981, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 25, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79–23663 Filed 7–31–79; 8:45 am]

BILLING CODE 4110–08–M

NIH Public Advisory Committees; Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

Allergy and Clinical Immunology Research Committee
Blood Diseases and Resources Advisory Committee
Board of Scientific Counselors, National Eye Institute
Board of Scientific Counselors, National Heart, Lung, and Blood Institute
Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases
Cardiology Advisory Committee
Cardiovascular and Pulmonary Study Section
Clinical Applications and Prevention Advisory Committee
Clinical Trials Review Committee
Communicative Sciences Study Section
Heart, Lung, and Blood Research Review Committee A
Heart, Lung, and Blood Research Review Committee B
Microbiology and Infectious Diseases Advisory Committee
National Advisory Allergy and Infectious Diseases Council
National Advisory Eye Council
National Heart, Lung, and Blood Advisory Council
Physiological Chemistry Study Section
Pulmonary Diseases Advisory Committee
Radiation Study Section
Sickle Cell Disease Advisory Committee
Transplantation Biology and Immunology Committee
Vision Research Program Committee

Authority for the above committees will expire June 30, 1981, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 25, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79–23664 Filed 7–31–79; 8:45 am]

BILLING CODE 4110–08–M

National Heart, Lung, and Blood Advisory Council and Its Manpower Subcommittee and Research Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung and Blood Institute, September 13, 14, and 15, 1979, National Institutes of Health, Building 31, Conference Room 10, at 9:00 a.m.

This meeting will be open to the public on September 13 from 9:00 a.m. to approximately 4:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be held September 12, 1979, at 8:00 p.m. in Building 31, Conference Room 9 and 10 respectively.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on September 13 from 4:00 p.m. until recess, and on September 14 from 9:00 a.m. to adjournment on September 15 for the review, discusssion and evaluation of individual grant applications. The Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8:00 p.m. to adjournment on September 12, also for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLBI, Westwood Building, Room 7A17, (301) 496–7416, will provide substantive program information.

Dated: July 26, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health)

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-23665 Filed 7-31-79; 8:45 am]

BILLING CODE 4110-08-M

Review Papers on Health Effects of Radiation Exposure; Meeting

At his press conference on February 27, 1979, Secretary Joseph A. Califano indicated that the Director, NIH, would request outside scientific experts to review the previously unpublished HEW papers on health effects of radiation exposure which may have been associated with the atmospheric testing of nuclear weapons and recommend any additional research needs identified in this review.

Notice is hereby given of the third meeting of the scientific experts to review the content of HEW papers, August 13–15, 1979 at the Sir Francis Drake Hotel in San Francisco, California. The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. Attendance by the public will be limited to space available.

Dr. Victor H. Zeve, Special Assistant to the Deputy Director, National Cancer Institute, Building 31, Room 10A34, Bethesda, Maryland 20205 (301/496–5515) will provide additional information.

Dated: July 26, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institute of Health.

[FR Doc. 79-23662 Filed 7-31-79; 8:45 am]

BILLING CODE 4110-08-M

Office of Human Development Services

White House Conference on Handicapped Individuals; National Implementation Advisory Committee; Meeting

The White House Conference on Handicapped Individuals Implementation Advisory Committee was established by the Department of Health, Education and Welfare to advise and assist the Secretary of HEW in the review and implementation of the recommendations made by the White House Conference on Handicapped Individuals.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Public Law 95–463, 5 U.S.C. App. 1, sec. 10, 1976) that the Committee will hold a meeting on August 22, 23, and 24, 1979 from 9:00 AM to 5:00 PM, at the Sheraton National Motor Hotel, Columbia Pike and Washington Blvd., Arlington, Virginia.

At this meeting the Committee will review actions taken by the federal government to implement items of the Implementation Plan, Vol. 111 of the White House Conference Documents.

Further information on the Committee may be obtained from Mr. Peter Rosenstein, White House Conference Implementation Unit, Room 3520, 330 C Street S.W., Washington, D.C. 20201, Telephone (202) 245–3186. Advisory Committee meetings are open for public observation.

Arnold Sampson,

HDS Committee Management Officer.

July 27, 1979.

[FR Doc. 79-23720 Filed 7-31-79; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Kalispel Indian Reservation, Washington; Ordinance Regulating the Distribution and Sale of Tobacco Products and/or Liquor and Beer Products

July 26, 1979.

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586). I certify that the following Resolution and Ordinance relating to the application of the Federal Indian Liquor Laws on the Kalispel Indian Reservation, Washington was adopted on June 8, 1979, and amended on July 9, 1979, by the Kalispel Tribal Business Committee which has jurisdiction over the area of Indian Country included in the Resolution and Ordinance, reading as follows:

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

Resolution

WHEREAS, The Kalispel Tribal Business Committee, as the governing body of the Kalispel Tribe, is charged by the Tribal Constitution and Bylaws to manage the affairs of the Kalispel Tribe and has the responsibility of protecting the health, security and general welfare of the Tribe and its members, and

WHEREAS, The State of Washington is without jurisdiction on the Kalispel Reservation to regulate and control Indian smoke shops, liquor outlets or other outlets operated by Tribal members, and

WHEREAS, The Kalispel Business Committee deems it essential to the health, security and general welfare of the Kalispel Tribe and its members to enact a comprehensive tobacco and liquor ordinance relating to the sale and distribution of cigarettes, other tobacco products and liquor products and levying and excise tax upon the distribution and sale on the Kalispel Indian Reservation.

NOW, THEREFORE, BE IT RESOLVED: The Kalispel Indian Tribe does hereby promulgate as a tribal ordinance the attached Chapter to the Tribal Law and Order Code entitled "Chapter 10—Kalispel Tobacco and Liquor Regulations"

Certification

The foregoing resolution was adopted by the Kalispel Tribal Council meeting on the *8th* day of June, 1979 at the Kalispel Tribal Hall on the reservation near Usk, Washington with the required quorum present by a vote of *3* for and *0* against.

Glen Nenema,

Chairman.

Alice E. Ignace,

Secretary Kalispel Tribe of Indians.

Chapter 10—Kalispel Tobacco and Liquor Code

Section 10–1—Title and Purpose

10–1.01 Title and Purpose. This chapter shall be known as the Kalispel Tobacco and Liquor Code. This Code is enacted to regulate the distribution and sale of tobacco products and/or liquor and beer products on the Kalispel Reservation, and to generate revenue to fund needed Tribal programs and services.

Section 10–2—Definitions

10–2.01 Definitions. Unless otherwise required by the context, the following words and phrases shall have the designated meanings:

(1) "Tribe" shall mean the Kalispel Indian Community of the Kalispel Indian Reservation, Washington.

(2) "Council" shall mean the Kalispel Tribal Business Committee as constituted by Article III of the Constitution and By-laws of the Kalispel Indian Tribe, Washington.

(3) "Reservation" shall mean lands and waters lying within the boundaries of the Kalispel Indian Reservation, Washington.

(4) "Member" shall mean any person whose name appears on the official roll of the Kalispel Indian Tribe.

(5) "Commercial Sale" shall mean the transfer, exchange or barter, in any or by any means whatsoever for a consideration, by any person, association, partnership, or corporation, of cigarettes, tobacco products and/or liquor and beer products.

(6) "Wholesale Price" shall mean the established price for which cigarettes, tobacco products and/or liquor and beer products are sold to the Kalispel Indian Tribe or any licensed operator by the manufacturer or distributor, exclusive of any discount or other reduction.

(7) "Tobacco Products" shall mean cigars, cheroots, stogies, granulated, plug cut, crim cut, ready rubbed, and other smoking tobacco, snuff, cavendish, snuff flour, plug and twist tobacco, fine cut and other chewing tobaccos shorts and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for smoking and chewing. Tobacco products shall include cigarettes.

(8) "Cigarette" shall mean any roll for smoking made wholly or in part of tobacco being flavored, adulterated, or mixed with any other ingredient, where such wrapper is wholly or in the greater part made of paper or any material except where such is wholly or in the greater part made of natural leaf tobacco in its natural state.

(9) "Tobacco Outlet" shall mean a Tribally licensed retail sales business selling tobacco products on the Kalispel Indian Reservation.

(10) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substance including all dilutions and mixtures of this substance.

(11) "Beer" means any beverage obtained by the alcohol fermentation of an infusion or decoction of pure hops, or pure extract of hops, and malt and sugar in pure water containing not more than 4% of alcohol by weight.

(12) "Liquor Outlet" shall mean a Tribally licensed retail sales business selling liquor or beer on the Kalispel Indian Reservation.

(13) "Operator" shall mean an enrolled member of the Kalispel Tribe or enrolled member of another federally recognized Tribe licensed by the Kalispel Tribe of Indians to operate a tobacco and/or liquor and beer outlet.

Section 10–3—Licensing of Tobacco or Liquor and Beer Outlets

10–3.01 Licensing. The Kalispel Business Committee shall be the Kalispel Tobacco, Liquor and Beer Control Commission. The Commission is empowered to:

(1) Administer this Code by exercising general control, management, and supervision of all tobacco and/or liquor and beer sales, places of sale and sales outlets as well as exercising all powers necessary to accomplish the purposes of this Code;

(2) Adopt and enforce rules and regulations in furtherance of the purposes of this Code and in the performance of its administrative functions.

Section 10–4—Nature of Outlet

10–4.01 Nature of Outlet. Each tobacco and/or liquor and beer outlet, licensed hereunder, shall be managed by an operator pursuant to a license granted by the Commission, hereunder, and shall also be managed pursuant to a Federal Indian Trader's License provided in Section 10–7 hereof.

Section 10–5—Application for Tobacco Outlet License or Liquor and Beer Outlet License

10–5.01 Application. Any enrolled member of the Kalispel Indian Tribe or an enrolled member of the federally recognized Tribe may apply to the Commission for a tobacco outlet license and/or a liquor and beet outlet license.

10–5.02 Processing of Application. The Tribal secretary-treasurer shall receive and process applications, and be the official representative of the Tribe and Commission in matters relating to tobacco and/or liquor and beer outlets excise tax collections and related matters. The Commission or its authorized representative shall obtain additional information as deemed appropriate. If the Commission or its authorized representative is satisfied that the applicant is a suitable and reputable person, the Commission or its authorized representative may issue a license for the sale of tobacco products and/or liquor and beer products.

10–5.03 Application Fee. Each application shall be accompanied by an application charge or fee of fifty dollars ($50.00). An application for both a tobacco outlet license and a liquor and beet outlet license shall be considered to be two applications with an application charge of fifty dollars ($50.00) each.

Section 10–6—Tobacco Outlet License and Liquor and Beer Outlet License

10–6.01. Upon approval of an application, the Commission shall issue the applicant a tobacco outlet license and/or a liquor and beer outlet license whichever the case may be, for one year which shall entitle the operator to establish and maintain one outlet for the type being permitted on the Kalispel Indian Reservation. This license shall be non-transferable. It shall be renewable annually at the discretion of the Commission by filing a new application form and payment of the application fee as provided in Section 10–5.

Section 10–7—Trader's License

10–7.01 Trader's License. No tobacco and/or liquor and beer outlet shall be issued to an operator unless he/she has obtained a Federal Indian Trader's License from the Superintendent of the Spokane Indian Agency, provided, however, that a full blooded Kalispel Indian need not obtain a Federal Indian Trader's License to qualify. Revocation of the Federal Indian Trader's License shall be grounds for the revocation of the operator's tobacco outlet license and/or liquor and beer outlet license by the Kalispel Tribe.

Section 10–8—Regarding Sales by Liquor Wholesalers and Transport of Liquor to the Reservation

10–8.01 Right of Commission to Screen Suppliers. The operator of any licensed outlet shall keep the Commission informed in writing of the identity of suppliers and wholesalers who supply or are expected to supply tobacco or liquor stocks to the outlet. The Commission may at its discretion and for any reasonable cause limit or prohibit the purchase of said stock from a supplier or wholesaler.

10–8.02 Freedom of Information From Suppliers. Operators shall in their purchases of stock and in their business relationships with suppliers cooperate with and assure a free flow of information and data to the Commission from suppliers relating to all sales to and business arrangements between the suppliers and operators. The Commission may, in its discretion, require the receipt by it from the suppliers of all invoices, bills of lading, billings or other documentary records of sales to the operator.

Section 10–9—Sales by Retail Operators

10–9.01 Commission Regulations. The Commission shall adopt regulations which shall supplement this Code and facilitate its enforcement. These regulations shall include limitations on sales to minors, where liquor may be consumed, persons not allowed to purchase alcoholic beverages, hours and

days when outlets may be open for business, and other appropriate matters and controls.

10–9.02 Sales to Minors. No Tribal operator shall give, sell or otherwise supply liquor to any person under twenty-one (21) years of age, either for his or her own use or for the use of his or her parents or for the use of any other person.

10–9.03 Consumption of Liquor Upon Licensed Premises Prohibited. No Tribal operator shall permit any person to open or consume liquor on his or her premises or any premises adjacent thereto and in his or her control.

10–9.04 Conduct on Licensed Premises. (1) No Tribal operator shall be disorderly, boisterous or intoxicated on the licensed premises or on any public premises adjacent thereto which are under his or her control, nor shall he or she permit any disorderly, boisterous or intoxicated person to be thereon; nor shall he or she use or allow the use of profane or vulgar language thereon.

(2) No operator or employee shall consume liquor of any kind while working on the licensed premises.

(3) No Tribal operator shall permit suggestive, lewd, or obscene conduct or acts on his or her premises. For the purpose of this section, suggestive, lewd or obscene acts or conduct shall consist of the list of acts enumerated in the Washington Administrative Code 314–16–125 (1)–(9).

10–9.05 Employment of Minors. No person under the age of twenty-one (21) years shall be employed in any service in connection with the sale or handling of liquor, either on a paid or voluntary basis, except as otherwise provided herein. Employees eighteen (18) years or older may sell and handle beer or wine not to be consumed on the premises provided that there is direct supervision by an adult twenty-one (21) years of age or older.

10–9.06 Display of License. Any Tribal operator issued a license shall frame under glass and display the license on the premises.

10–9.07 Operator's Premises Open to Commission Inspection. The premises of all Tribal operators, including vehicles used in connection with liquor sales, shall be open at all times to inspection by the Kalispel Liquor Commission.

10–9.08 Operator's Records. The originals or copies of all sales slips, invoices and other memoranda covering all purchases of liquor by operators shall be kept on file in the retail premises of the operator purchasing the same for at least five (5) years after each purchase, and shall be filed separately and kept apart from all other records, and as nearly as possible shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and checking. All cancelled checks, bank statements and books of accounting covering or involving the purchase of liquor, and all memoranda, if any, showing payment of money for liquor other than by check, shall be likewise preserved for availability for inspection and checking.

10–9.09 Records Confidential. All records of the Kalispel Liquor Commission showing purchase of liquor by any individual or group shall be confidential and shall not be inspected except by members or employees of the Kalispel Liquor Commission or its authorized representative.

10–9.10 Conformity With State Law. Tribal operators shall comply with State of Washington liquor standards to the extents required by 18 U.S.C. 1161. However, total jurisdiction over the sale of liquor and beer products is reserved to and exercised by the Kalispel Liquor Commission within the boundaries of the Kalispel Indian Reservation.

Section 10–10—Tribal Excise Tax Imposed Upon Distribution of Tobacco and Liquor

10–10.01 Tribal Excise Taxes. The Commission shall by regulation include a provision for the taxing of sales of cigarettes, tobacco and liquor products to the consumer or purchaser. Such tax shall be in amounts equal to at least 5% of all retail sales prices, but the Commission may establish tax rates in excess of that 5% for any given class of merchandise.

10–10.02 Added to Retail Price. The excise tax levied hereunder shall be added to the retail selling price of tobacco products sold to the ultimate consumer.

Section 10–11—Liability for Bills

10–11.01 Liability For Bills. The Tribe shall have no legal responsibility for any unpaid bills owed by a tobacco outlet to a wholesale supplier or to any other person. The operator shall make arrangements with his or her wholesalers to send copies of all of his or her purchase invoices to the Tribal office.

Section 10–12—Other Business by Operator

10–12.01 Other Business By Operator. An operator may conduct another business simultaneously with managing a tobacco outlet for the Tribe. The other business may be conducted on the same premises, but the operator shall be required to maintain separate books of account for the other business.

10–12.02 Excise Taxes For Other Business. The Business Committee may make provision for an excise or sales tax to be charged customers or purchasers of items held for sale on such other business.

Section 10–13—Tribal Liability and Credit

10–13.01. An operator is forbidden to represent or give the impression to any supplier or other person with whom he or she does business that he is an official representative of the Tribe or Commission authorized to pledge Tribal credit or financial responsibility for any of the expenses of his or her business operation. The operator shall hold the Kalispel Indian Tribe harmless from all claims and liability of whatever nature. The Commission shall revoke the operator's outlet license if it is not operated in a businesslike manner or if it does not remain financially solvent or does not pay its operating expenses and bills before they become delinquent.

10–13.02 Insurance. The operator shall maintain at his or her expense adequate insurance covering liability, fire, theft, vandalism and other insurable risks. The Commission or the Business Committee may establish as a condition of any license higher limits and any additional coverage it deems advisable. All insurance policies shall name the Tribe as an insured.

Section 10–14—Audit and Inspection Bond

10–14.01. All of the books and other business records of the outlet shall be available for inspection and audit by the Commission or its authorized representative for any reasonable time.

10–14.02 Bond For Excise Tax. The excise tax together with reports on forms to be supplied by the Tribe shall be remitted to the Tribal office monthly unless otherwise specified in writing by the Commission. The operator shall furnish a satisfactory bond to the Tribe in an amount to be specified by the Commission guaranteeing his or her payment of excise tax.

Section 10–15—Revocation of Operator's License

10–15.01. Revocation of Operator's License. Failure of an operator to abide by the provisions of this chapter and any additional regulations or requirements imposed by the Commission will constitute grounds for revocation of the operator's license as well as enforcement of the penalties provided in Section 10–16.

Section 10–16—Violation-Penalties

10–16.01. Any Indian violating this chapter shall be guilty of an offense and subject to a fine in Tribal Court of not less than Fifty Dollars ($50.00) and not exceed a maximum of Two Hundred-Fifty Dollars ($250.00). An operator who violates the provisions of this Code forfeits all of the remaining stock in the outlet. The Tribal Law Enforcement officer shall be empowered to seize forfeited products.

Section 10–17—Separability

10–17.01. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[FR Doc. 79–23678 Filed 7–31–79; 8:45 am]

BILLING CODE 4310–02–M

Notice of Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

July 23, 1979.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Delawares of Idaho, Inc., 3677 N. Maple Grove Road, Boise, Idaho 83704, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on July 14, 1979. The petition was forwarded and signed by Mr. Arthur Albert Creech.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs' files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 79-23634 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-02-M

Rhode Island Indian Claims Settlement Act; Findings Pursuant to Section 7

July 24, 1979.

I hereby find pursuant to section 7 of Public Law 95-395, the Rhode Island Indian Claims Settlement Act, that the State of Rhode Island has enacted legislation, namely the "Narragansett Indian Land Management Corporation Act" approved may 4, 1979, which creates and authorizes the creation of a state-chartered corporation satisfying the following criteria:

(1) The corporation is authorized by the legislation to acquire, perpetually manage, and hold the settlement lands, as defined by section 3(f) of the Rhode Island Indian Claims Settlement Act;

(2) The corporation is authorized by the legislation to be controlled by a board of directors, the majority of the members of which shall be selected by the Indian Corporation (as defined by section 3(a) of the Rhode Island Indian Claims Settlement Act) or its successor, and the remaining members of which shall be selected by the State of Rhode Island; and

(3) The corporation is authorized by the legislation to establish its own regulations, after consultation with appropriate state officials, concerning hunting and fishing on the settlement lands, which regulations need not comply with regulations of the State of Rhode Island but which shall establish minimum standards for the safety of persons and protection of wildlife and fish stock.

I also find that the above-described legislation authorizes the conveyance to the corporation of land and natural resources that substantially conform to the public settlement lands as described in paragraph 2 of the Settlement Agreement, as defined by section 3(h) of the Rhode Island Indian Claims Settlement Act.

Supplementary information: As a result of the publication of these findings, all aboriginal or other land claims of the Indian Corporation known as the Narragansett Tribe of Indians are extinguished pursuant to section 6(a) of the Rhode Island Indian Claims Settlement Act, Public law 95-395 (approved September 30, 1978). The publication of these findings has a similar effect on other land claims, if any, within the Town of Charlestown, Rhode Island, which might be made by any Indian, Indian nation, or tribe of Indians.

Section 6(b) of the Settlement Act permits any Indian, Indian nation, or tribe of Indians (other than the Indian Corporation known as the Narragansett Tribe of Indians, or any predecessor or successor in interest, or any member or stockholder of that Indian Corporation), whose claims have been extinguished by section 6(a), to bring an action or lawsuit against the Narragansett Indian Land Management Corporation, in lieu of an action against any other person against whom a cause of action may have existed in the absence of section 6 of the Settlement Act. Such a lawsuit must be filed within 180 days of the date of this publication. And in any such action or lawsuit the remedy shall be limited to a right of possession of the settlement lands, as defined by section 3(f) of the Settlement Act.

For further information please contact: Tim Vollmann Office of the Solicitor, U.S.Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-6967.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 79-23633 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

[AA-6662-A2]

Alaska Native Claims Selection; Notice for Publication

On December 5, 1975, Ekuk Natives Limited, filed selection application AA-6662-A2 under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)), (ANCSA) for the surface estate of certain lands in the Ekuk area.

The State of Alaska filed general purposes grant selection applications on November 14, 1978, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)), for certain lands in the Ekuk area. Applications AA-21809 and AA-21999, as amended, selected all available lands in T. 16 S., R. 54 W., and T. 16 S., R. 57 W., Seward Meridian, respectively. Ekuk Natives Limited properly selected lands located within the above townships in village selection application AA-6662-A2 on December 5, 1975. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated* and *unreserved* public lands in Alaska.

Therefore, in view of the above the following State selection applications are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-21809

T. 16 S., R. 54 W.
Sec. 13, all;
Secs. 23 to 26, inclusive, all;
Secs. 35 and 36, all.
Containing approximately 4,480 acres.

State Selection AA-21999

T. 16 S., R. 57 W.
Sec. 4 (fractional), all;
Secs. 5, 6, 7 and 8, excluding the Igushik River;
Sec. 9 (fractional), excluding the Igushik River;
Sec. 28 (fractional), all.
Containing approximately 2,709 acres.
Aggregating approximately 7,189 acres.

Further action on the subject State slection applications, as to those lands not rejected herein, will be taken at a later date.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

On July 13, 1978, Ekuk Natives Limited (for the village of Ekuk) merged with Choggiung Ltd., the village corporation of Dillingham as provided in Sec. 30 of the Alaska Native Claims Settlement Act, as amended (89 Stat. 1145, 1148; 43 U.S.C. 1601, 1627). The surviving corporation, Choggiung, Ltd., is entitled to all rights, privileges and benefits of the Alaska Native Claims Settlement Act.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(b), aggregating approximately 7,189 acres, is considered proper for acquisition by Choggiung Ltd. and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 16 S., R. 54 W.
Sec. 13, all;
Secs. 23 to 26, inclusive, all;
Secs. 35 and 36, all.
Containing approximately 4,480 acres.

T. 16 S., R. 57 W.
Sec. 4 (fractional) all;
Secs. 5, 6, 7 and 8, excluding the Igushik River;
Sec. 9 (fractional), excluding the Igushik River;
Sec. 28 (fractional), all.
Containing approximately 2,709 acres.
Aggregating approximately 7,189 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The village of Ekuk has been reallocated 7,680 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date approximately 7,189 acres of the 12(b) reallocation has been approved for conveyance. The remaining 12(b) reallocation of approximately 491 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corporation when conveyance is granted to Choggiung Ltd., (for the village of Ekuk) for the surface estate, and shall be subject to the same conditions as the surface conveyance.

The following inland water body within the described lands is considered to be navigable:

The Igushik River

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until August 31, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served with a copy of the notice of appeal are:

State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Choggiung Ltd., P.O. Box 247, Dillingham, Alaska 99576.

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Sue A. Wolf,

Chief, Branch of Adjudication.

[FR Doc. 79-23648 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-84-M

[AA-6687-A]

Alaska Native Claims Selection; Notice for Publication

On July 1, 1968, the State of Alaska filed general purposes selection application AA-3002, as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)). The State selected lands near the Native village of Old Harbor.

On December 18, 1971, Sec. 11 of the Alaska Native Claims Settlement Act (85 Stat. 688, 696; 43 U.S.C. 1601, 1610 (1976)), withdrew lands surrounding the village of Old Harbor, including the lands in the subject State selection, for Native selection.

On September 10, 1974, Old Harbor Native Corporation for the Native village of Old Harbor filed village selection application AA-6687-A, as amended, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of the village, including lands within the above-referenced State selection. The application was amended on December 13, 1974, to give a new description of the lands to be selected and to supersede the previously filed application.

The village corporation selected lands which were withdrawn by Secs. 11(a)(1) and 11(a)(2) of ANCSA. Section 11(a)(2) specifically withdrew, subject to valid existing rights, all lands within the townships withdrawn by Sec. 11(a)(1) that had been selected by, or tentatively approved to, but not yet patented to the State of Alaska under the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)).

Section 12(a)(1) of ANCSA provides that village selections shall be made from lands withdrawn by Sec. 11(a).

Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

By decision dated March 21, 1978, 58,775 acres of lands *properly* selected by the State were approved for conveyance to the village of Old Harbor. That figure incorrectly includes lands within U.S. Survey No. 4656, containing 475.29 acres. Public Land Order 2417 provides that lands within an area one mile square surrounding the village of Old Harbor are not subject to State selection until so provided by order of an authorized officer of the Bureau of Land Management. There has been no such opening order. The acreage chargeable against the 69,120 acres permitted under Sec. 12(a)(1) thus should have been approximately 58,300 acres.

The following described lands, which are State selected, have been properly selected under village selection application AA-6687-A. Accordingly, State selection AA-3002 is hereby rejected as to all the lands approved for conveyance to Old Harbor Native Corporation described below. Further action on the subject State selection application as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the application filed by Old Harbor Native Corporation, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

The corrected total amount of lands which have been properly selected by the State, including any selection applications previously rejected to permit conveyances to Old Harbor Native Corporation, is 66,528 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 8,228 acres, is considered proper for acquisition by Old Harbor Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 36 S., R. 25 W.,
Secs. 1 and 2 (fractional), all;
Secs. 3 and 4, all;
Secs. 5, 6 and 7 (fractional), all;
Secs. 11 and 14 (fractional), all;
Sec. 17, all;
Secs. 18, 19 and 20 (fractional), all;
Secs. 23, 24 and 26 (fractional), all;
Sec. 30 (fractional), all;
Sec. 31, all;
Secs. 34 and 35 (fractional), all.
Containing approximately 8,228 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976));

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in case file AA-6687-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

One Acre Site—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 31 E) An easement for an existing access trail twenty-five (25) feet in width from tideline at the mouth of a creek in Ocean Bay in Sec. 11, T. 36 S., R. 25 W., Seward Meridian, southwesterly to site EIN 31a E in Sec. 20, T. 36 S., R. 25 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 31a E) A one (1) acre site easement upland of the mean high tide line in Sec. 20, T. 36 S., R. 25 W., Seward Meridian, at the head of Rolling Bay. The uses allowed are those listed above for a one (1) acre site.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act, any valid existing right recognized by the Alaska Native Claims Settlement Act shall continue to have whatever right of access as is now provided for under existing law;

3. Grazing lease A-050255 to Kenneth Arndt on Sitkalidak Island (excluding U.S. Surveys 2897 and 1743) under the act of March 4, 1927 (44 Stat. 1452; 48 U.S.C. 471, 471a and 471o); and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Old Harbor Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is 102,008 acres. The remaining entitlement of approximately 13,192 acres will be conveyed at a later date.

Further to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Koniag Inc., Regional Native Corporation when the surface estate is conveyed to Old Harbor Native Corporation, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the KODIAK MIRROR. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the

Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until August 31, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the apeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501
Old Harbor Native Corporation, Box 69, Old Harbor, Alaska 99643
Koniag, Inc., Regional Native Corporation, Box 746, Kodiak, Alaska 99615

Sue A. Wolf,

Chief, Branch of Adjudication.

[FR Doc. 79-23649 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-84-M

[AA-6662-A Through AA-6662-K]

Alaska Native Claims Selections

On January 25, 1974, July 16, 1974 and October 4, 1974, Ekuk Natives Limited, for the Native village of Ekuk, filed selection applications AA-6662-A through AA-6662-K, as amended, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the Ekuk area.

The State of Alaska filed general purposes grant selection applications on November 14, 1978, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)), for certain lands in the Ekuk area. Applications AA-21809, AA-21810, AA-21815, AA-21819, AA-21999, AA-22000 and AA-22002, all as amended, selected all available lands in T. 16 S., R. 54 W.; Tps. 16, 17 and 18 S., Rs. 55 W.; T. 16 S., R. 57 W. and Tps. 16 and 17 S., Rs. 58 W.; Seward Meridian, respectively. Ekuk Natives Limited properly selected lands located within the above townships in village selection applications AA-6662-B through AA-6662-G on July 16, 1974, AA-6662-I and AA-6662-K on October 4, 1974. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select *vacant, unappropriated* and *unreserved* public lands in Alaska.

Therefore, in view of the above the following State selection applications are hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

State Selection AA-21809

T. 16 S., R. 54 W.,
Secs. 1 to 12, inclusive, all;
Secs. 14 to 22, inclusive, all;
Secs. 27 to 30, inclusive, all;
Sec. 31 (fractional), all;
Secs. 32, 33 and 34, all.
Containing approximately 18,527 acres.

State Selection AA-21810

T. 16 S., R. 55 W.,
Secs. 1 to 4, inclusive, all;
Sec. 5, excluding Native allotment AA-6266;
Sec. 6, excluding Native allotments AA-6163, AA-6164, AA-6165, AA-6166 Parcel A and AA-6287;
Sec. 7, excluding Native allotments AA-6235 Parcel A and AA-6245 Parcel A;
Secs. 8 to 16, inclusive, all;
Sec. 17 (fractional), all;
Sec. 18 (fractional), excluding U.S. Survey 2813, Native allotments AA-6160 Parcel B and AA-6161 Parcel B;
Sec. 20 (fractional), all;
Sec. 21 (fractional), excluding Native allotment AA-6235 Parcel B;
Secs. 22 and 23 (fractional), all;
Sec. 24, all;
Secs. 25 and 26 (fractional), all;
Sec. 36 (fractional), all.
Containing approximately 13,187 acres.

State Selection AA-21815

T. 17 S., R. 55 W.,
Secs. 1 and 2, all;
Secs. 3 and 4 (fractional), all;
Sec. 10 (fractional), all;
Secs. 11 to 14, inclusive, all;
Sec. 15 (fractional), all;
Sec. 22 (fractional), all;
Secs. 23 to 26, inclusive, all;
Sec. 27 (fractional), all;
Secs. 34 and 35 (fractional), all;
Sec. 36, all.
Containing approximately 8,735 acres.

State Selection AA-21819

T. 18 S., R. 55 W.,
Secs. 1 and 2 (fractional), all;
Sec. 12 (fractional), all.
Containing approximately 650 acres.

State Selection AA-21999

T. 16 S., R. 57 W.,
Sec. 16 (fractional), excluding the Igushik River;
Secs. 19 and 20, excluding the Igushik River;
Sec. 21, all;
Sec. 22 (fractional), all;
Sec. 27 (fractional), all.
Containing approximately 1,701 acres.

State Selection AA-22000

T. 16 S., R. 58 W.,
Sec. 22, excluding U.S. Survey 394, Native allotments AA-7378, AA-7531 and the Igushik River;
Secs. 23 and 24, excluding the Igushik River;
Sec. 26, excluding U.S. Survey 393, Native allotments AA-7840 Parcel A, AA-7711 and the Igushik River;
Sec. 27, excluding Native allotment AA-7840 Parcel A;
Sec. 34, all;
Sec. 35, excluding U.S. Survey 391, U.S. Survey 392 and U.S. Survey 560, Native allotment AA-7594 Parcel C, AA-7593 Parcel C, AA-7711 and the Igushik River.
Containing approximately 2,600 acres.

State Selection AA-22002

T. 17 S., R. 58 W.,
Sec. 5 (fractional), excluding U.S. Survey 392, U.S. Survey 729, Native allotments AA-7591 Parcel A and A-053802 Parcel 4;
Secs. 6 and 7, all;
Sec. 8 (fractional), excluding U.S. Survey 729, Native allotment A-053802 Parcel 4;
Sec. 16 (fractional), excluding Native allotment AA-7793;
Sec. 17 (fractional), excluding Native allotment A-054453 Parcel B;
Sec. 18, all.
Containing approximately 3,004 acres.
Aggregating approximately 48,404 acres.

Further action on State selection applications AA-21809, AA-21810, AA-21819, AA-21999, AA-22000 and AA-22002, as to those lands not rejected herein, will be taken at a later date. State selection application AA-21815 is hereby rejected in its entirety and will be closed of record when this decision becomes final.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

On July 13, 1978 Ekuk Natives Limited (for the village of Ekuk) merged with Choggiung Ltd., the village corporation of Dillingham as provided in Sec. 30 of the Alaska Native Claims Settlement Act, as amend (89 Stat. 1145, 1148; 43 U.S.C. 1601, 1627). the surviving corporation, Choggiung Ltd., is entitled to all rights, privileges and benefits of the Alaska Native Claims Settlement Act.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a),

aggregating approximately 63,155 acres, is considered proper for acquisition by Choggiung Ltd. and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claim Settlement Act:

U.S. Survey No. 2812, situated 10 chains south of Ekuk Bluff Blinker Lighthouse on Ekuk Bluff, east shore Nushagak Bay, Alaska, excluding Native allotment AA-6162 Parcel B.

Containing approximately 34 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 16 S., R. 54 W.,
Secs. 1 to 12, inclusive, all;
Secs. 14 to 22, inclusive, all;
Secs. 27 to 30, inclusive, all;
Sec. 31 (fractional), all;
Secs. 32, 33 and 34, all.
Containing approximately 18,527acres.

T. 16 S., R. 55 W.,
Secs. 1 to 4, inclusive, all;
Secs. 5 excluding Native allotment AA-6286;
Secs. 6 excluding Native allotments AA-6163, AA-6164, AA-6165, AA-6166 Parcel A and AA-6287;
Sec. 7 excluding Native allotments AA-6235 Parcel A and AA-6245 Parcel A;
Secs. 8 to 16, inclusive, all;
Sec. 17 (fractional), all;
Sec. 18 (fractional), excluding U.S. Survey 2813, Native allotments AA-6160 Parcel B and AA-6161 Parcel B;
Sec. 20 (fractional), all;
Sec. 21 (fractional), excluding Native allotment AA-6235 Parcel B;
Secs. 22 and 23 (fractional), all; Sec. 24, all;
Secs. 25 and 26 (fractional), all;
Sec. 36 (fractional), all;
Containing approximately 13,187 acres.

T. 17 S., R. 55 W.,
Secs. 1 and 2, all;
Secs. 3 to 4, inclusive, all;
Sec. 10 (fractional), all;
Secs. 11 to 14, inclusive, all;
Sec. 15 (fractional), all;
Sec. 22 (fractional), all;
Secs. 23 to 26, inclusive, all;
Sec. 27 (fractional), all;
Secs. 34 and 35 (fractional), all;
Sec. 36, all.
Containing approximately 8,735 acres.

T. 18 S., R. 55 W.,
Secs. 1 and 2 (fractional), all;
Sec. 12 (fractional), all.
Containing approximately 650 acres.

T. 16 S., R. 56 W.,
Sec. 1 (fractional), excluding U.S. Survey 389, U.S. Survey 557 and U.S. Survey 2713, Native allotments AA-6160 Parcel A, AA-6162 Parcel A, AA-6163 and A-057946 Parcel B;
Sec. 2 (fractional), excluding U.S. Survey 389, U.S. Survey 2713 and U.S. Survey 3005;
Sec. 11 (fractional), excluding U.S. Survey 769, U.S. Survey 1703, U.S. Survey 1795, U.S. Survey 2713, U.S. Survey 2884 and U.S. Survey 3005;
Sec. 12 (fractional), excluding U.S. Survey 769, U.S. Survey 862, U.S. Survey 912, U.S. Survey 1703, Native allotment AA-6159 and ANCSA Sec. 3(e) application AA-12836;
Sec. 13 (fractional), excluding U.S. Survey 862, U.S. Survey 2812, U.S. Survey 2813 and Native allotment AA-6162 Parcel B.
Containing approximately 770 acres.

T. 16 S., R. 57 W.,
Sec. 16 (fractional), excluding the Igushik River;
Secs. 19 and 20, excluding the Igushik River;
Sec. 21, all;
Sec. 22 (fractional), all;
Sec. 27 (fractional), all.
Containing approximately 1,701 acres.

T. 18 S., R. 57 W.,
Sec. 31 (fractional), all.
Containing approximately 15 acres.

T. 16 S., R. 58 W.,
Sec. 22, excluding U.S. Survey 394, Native allotments AA-7378, AA-7531 and the Igushik River;
Secs. 23 and 24, excluding the Igushik river;
Sec. 26, excluding U.S. Survey 393, Native allotments AA-7840 Parcel A, AA-7711 and the Igushik River;
Sec. 27, excluding Native allotment AA-7840 Parcel A;
Sec. 34, all;
Sec. 35, excluding U.S. Survey 391, U.S. Survey 392 and U.S. Survey 560, Native allotments AA-7594 Parcel C, AA-7593 Parcel C, AA-7711 and the Igushik River.
Containing approximately 2,600 acres.

T. 17 S., R. 58 W.,
Sec. 5 (fractional), excluding U.S. Survey 392, U.S. Survey 729, Native allotments AA-7591 Parcel A and A-053802 Parcel 4;
Secs. 6 and 7, all;
Sec. 8 (fractional), excluding U.S. Survey 729, Native allotment A-053802 Parcel 4;
Sec. 16 (fractional), excluding Native allotment AA-7793;
Sec. 17 (fractional), excluding Native allotment A-054453 Parcel B;
Secs. 18, 19 and 20, all;
Sec. 21 (fractional), excluding Native allotments AA-7840 Parcel B, AA-7211, and A-056046 Parcel B;
Sec. 28 (fractional), excluding Native allotments AA-7211, AA-7213, AA-7214 and AA-7752 Parcel B;
Sec. 29 all;
Sec. 32, all;
Sec. 33, excluding Native allotment AA-7214;
Sec. 34 (fractional), excluding Native allotments AA-7214, AA7215 Parcel A and ANCSA Sec. 3(e) application AA-12839.
Containing approximately 6,786 acres.

T. 18 S., R. 58 W.,
Sec. 3 (fractional), excluding Native allotment AA-7215 Parcel A;
Secs. 4 and 5, all;
Secs. 8 and 9, all;
Sec. 10 (fractional), all;
Secs. 14 and 15 (fractional), excluding Native allotment AA-7216;
Secs. 16 and 17, all;
Secs. 20, 21 and 22, all;
Secs. 23 and 25, (fractional), all;
Sec. 26 (fractional), excluding Native allotment AA-7212;
Secs. 27 and 28, all;
Sec. 34 all;
Secs. 35 and 36, (fractional), excluding Native allotment AA-7468.
Containing approximately 10,150 acres.
Aggregating approximately 63,155 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunitites and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616 (b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-6662-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW).

a. (EIN 3 C5) An easement for an existing access trail twenty-five (25) feet in width from Ekuk in Sec. 2, T. 16 S., R. 56 W., Seward Meridan, southeasterly to public lands in Sec. 7, T. 17 S., R. 54 W., Seward Meridan. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 9 E) An easement for an existing access trail twenty-five (25) feet in width from Ekuk in Sec. 1, T. 16 S., R. 56 W., Seward Meridan, northerly to Clarks Point in Sec. 36, T. 15 S., R. 56 W., Seward Meridan. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 21, Sec. 6(g)

(1970))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17 (b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Those rights for water pipeline purposes as have been granted to C.W.C. Fisheries, Inc., its successors or assigns, by right-of-way A–053898, located within the SW¼ Sec. 1 and the NW¼ Sec. 12, T. 16 S., R. 56 W., Seward Meridian, under the act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959); and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The village of Ekuk is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, 63,155 acres of this entitlement have been approved for conveyance; the remaining entitlement of 5,965 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corporation when conveyance is granted to Choggiung Ltd., (for the village of Ekuk) for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Only the following inland water body, within the described lands, is considered to be navigable:

Igushik River

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the ANCHORAGE DAILY NEWS. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until August 31, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501
Choggiung Ltd., P.O. Box 247, Dillingham, Alaska 99576.

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576

Sue A. Wolf,

Chief, Branch of Adjudication.

[FR Doc. 79–23650 Filed 7–31–79; 8:45 am]

BILLING CODE 4310–84–M

[Colorado 28176]

Invitation for Coal Exploration License; Western Fuels Association, Inc.

July 24, 1979.

Western Fuels Association, Inc. hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying land contained in the following description, Rio Blanco County, Colorado:

T. 2 N., R 101 W., 6th P.M.,
Sec. 1: Lots 2, 5, 7, SW¼NE¼, NW¼SE¼
Sec. 11: Lots 1, 2, 4, 5, 6
Sec. 12: Lots 2, 3, 4, 5, 13
T. 3 N., R 101 W., 6th P.M.,
Sec. 19: Lots 1 thru 4, E½, E½W½ (All)
Sec. 20: All
Sec. 21: NW¼, S½
Sec. 27: NW¼, S½
Sec. 28: N½, N½SW¼, SE¼
Sec. 34: N½, N½SE¼
Sec. 35: N½, N½S½
Sec. 36: N½SW¼, W½SE¼
T. 3 N., R 102 W., 6th P.M.,
Sec. 23: All
Sec. 24: All
Sec. 25: All
Sec. 35: E½E½
Sec. 36: All
Containing 7007.03 Acres, More or Less.

All of the coal in the above lands consists of unleased Federal coal. The coal in 259.06 of the acres in T. 2 N., R. 101 W., 6th P.M. is the subject of a Preference Right Lease Application (C–0126669) filed by Reliable Coal and Mining Company of Indianapolis, Indiana.

The purpose of this exploration program is to determine the quality and quantity of the coal within the boundaries of the above described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number C–28176):

Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.
Bureau of Land Management, 455 Emerson, Craig, Colorado 81625.
Bureau of Land Management, 317 East Market Street, Meeker, Colorado 81641.

This Notice of Invitation will be published in this newspaper once each week for two consecutive weeks beginning the week of July 23, 1979 and in the **Federal Register.** Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Western Fuels Association, Inc. no later than ten calendar days after the last publication of this invitation in this newspaper or August 31, 1979, whichever is the later date. The written notice for Western Fuels Association, Inc. should be sent to the following address:

Western Fuels Association, Inc., 405 Urban Street, Suite 305, Lakewood, Colorado 80228.

The written notice for the Bureau of Land Management should be sent to the following address:

Colorado State Office, ATTN: Leader, Craig Team, Bureau of Land Management, Room 700, Colorado State Bank Building, Denver, Colorado 80202.

The foregoing notice is published in the **Federal Register** pursuant to Title 43, Code of Federal Regulations, Section 3410.2–1(d)(1), as published in 44 Federal Register 42584 at 42613 (No. 140, July 19, 1979).

Andrew W. Heard, Jr.,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79–23635 Filed 7–31–79; 8:45 am]

BILLING CODE 4310–84–M

Accelerated Wilderness Inventory, Nevada.

July 25, 1979.

The Bureau of Land Management's Battle Mountain District has completed a special project wilderness inventory on the San Antonio inventory unit (NV-060-52) covering about 88,285 acres north of Tonopah in Nye County, Nevada. Based on this intensive inventory, the BLM is recommending that the area be released from further wilderness consideration because it lacks wilderness characteristics specified by Congress.

A 30-day public comment period is open until September 4, 1979. An open house is scheduled August 16 at the Tonopah Convention Center from 6:30 to 9:30 p.m. to acquaint the public with the inventory findings. Public comments can be mailed to the Battle Mountain District, 2nd and Scott Streets, P.O. Box 194, Battle Mountain, NV 89820 or to the Nevada State Office, Room 3008 Federal Building, 300 Booth Street, Reno, NV 89509.

The special, accelerated inventory was requested by Anaconda Copper Company who are planning a molybdenum mine and mill in the area. According to the inventory findings, the unit was split by roads, resulting in several areas which were evaluated for wilderness characteristics on an individual basis. None of the areas studied were found to contain wilderness characteristics. A summary of the study findings follows:

1. 4,385 acres were excluded in four parcels because roads separated them from the bulk of the unit. All are below the minimum standard acreage and none have strong public support for their preservation as wilderness.

2. 7,000 acres were excluded due to heavy mining impacts which resulted in a lack of naturalness.

3. A 20,500 acre parcel was found to be roadless and essentially natural but lacking in outstanding opportunities for solitude and a primitive and unconfined type of recreation. Primary reasons were: poor screening by vegetation and topography, lack of outstanding features of interest, and poor camping, hiking and backpacking opportunities due to sandy terrain, lack of water, and absence of protection from the elements.

4. A 56,400 acre tract was also found to be roadless and essentially natural but lacking in outstanding opportunities for solitude and a primitive and unconfined type of recreation due to the same reasons noted above.

Maps and additional information on the San Antonio unit can be obtained from either the Reno or Battle Mountain offices, as well as the Tonopah Area BLM Office, P.O. Box 911, Tonopah, Nevada 89049.

E. I. Rowland,

State Director, Nevada.

July 25, 1979.

[FR Doc. 79-23712 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37710, 37712, 37713, 37714, 37715, and 37868]

New Mexico; Notice of Applications

July 25, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 29 N., R. 9 W.,
Sec. 17, SE¼SE¼;
Sec. 20, NE¼NE¼;
Sec. 33, SW¼SE¼.
T. 31 N., R. 9 W.,
Sec. 7, lots 11, 12, 15 and 18.
T. 31 N., R. 11 W.,
Sec. 5, E½SW¼;
Sec. 17, NW¼NW¼.

These pipelines will convey natural gas across 0.922 of a mile of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-23710 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37692]

New Mexico; Notice of Application

July 23, 1979.

Notice is hereby given that, pursuant to Section 23 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 27 E.,
Sec. 11, E½W½.

This pipeline will convey natural gas across 0.994 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-23708 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37697 and 37717]

New Mexico; Notice of Applications

July 23, 1979.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 30 N., R. 8 W.,
Sec. 18, E½NE¼ and SW¼NE¼;
Sec. 31, lots 14 and 15.

These pipelines will convey natural gas across 0.489 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the 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. 79-23711 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 24005 Okla.]

New Mexico; Notice of Coal Lease Offering by Sealed Bid

July 25, 1979.

U.S. Department of the Interior, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501. Notice is hereby given that certain coal resources in the lands hereinafter described in Haskell County, Oklahoma will be offered for lease by sealed bid of $25 per acre minimum to the qualified bidder of the highest cash amount per acre or fraction thereof. The sale will be held at 2:00 p.m., local time, August 30, 1979, in Room 2–A Sweeney Convention Center, corner of Marcy and Grant, Santa Fee, New Mexico. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received before the date, time and place set for opening of such bids.

Coal Offered

The coal resource to be offered is limited to those reserves recoverable by surface mining methods from the Upper Hartshorne and Lower Hartshorne coal beds in the following described tract located approximately one mile northeast of the town or McCurtain, Haskell County, Oklahoma:

Indian Meridian, Oklahoma

T. 8 N., R. 22 E.
Sec. 14: S½NE¼SW¼, S½SW¼
Sec. 15: SE¼SE¼
Containing 140.00 acres

On an as-received basis, the coal averages about seven percent ash, 16 percent volatile matter, two percent moisture, 75 percent fixed carbon, one percent sulfur and 14,300 BTU/lb. This would classify the coal as low volatile bituminous under ASTM specification D 38866. The coal has a free swelling index of nine and is used as metallurgical coal. The Upper Hartshorne coal is about 24" thick and is separated from the Lower Hartshorne coal (about 36" thick) by two to five feet of shale. The estimated total reserves recoverable by surface mining methods are 163,000 tons.

Public Comments

The public is invited to submit written comments and any recommendations concerning the fair market value of the coal to be leased as described in this notice. Comments should be sent to the State Director, New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, and to the Regional Conservation Manager, Conservation Division, Geological Survey, Box 25046, Denver Federal Center, Denver, CO 80225, to arrive no later than August 23, 1979.

Notice of Availability

All case file documents and written comments submitted by the public on fair market value or royalty rates except those portions identified as proprietary by the commentor and meeting exemptions stated in the Freedom of Information Act will be available for public inspection at the Bureau of Land Management, Room 3031, on the third floor of the U.S. Post Office and Federal Building located on South Federal Place, Santa Fe, New Mexico. Copies of the detailed statement and proposed coal lease are also available in Room 3031.

The successful bidder is obligated to pay for the newspaper publications of this notice.

Arthur W. Zimmerman,

State Director.

[FR Doc. 79–23709 Filed 7–31–79; 8:45 am]

BILLING CODE 4310–84–M

[M 20500(SD)]

South Dakota; Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

July 24, 1979.

The Forest Service, United States Department of Agriculture, filed application Serial No. M 20500(SD) on December 28, 1971, for a withdrawal from location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims, in relation to the following described lands:

Black Hills Meridian, South Dakota

Steamboat Rock Picnic Grounds

T. 2 N., R. 5 E.,
Sec. 1, S½NW¼SW¼, N½SW¼SW¼, and NW¼SE¼SW¼.

Mount Roosevelt Recreation Sites and Roadside Zone

T. 5 N., R. 3 E.,
Sec. 16, Lots 1, 3, and 4, SW¼SE¼NE¼, W½NW¼SE¼SE¼, and NE¼SW¼ SE¼.

Also a strip of land 150 feet each side of the centerline of Mount Roosevelt Road and a branch road through the following legal subdivisions:

Sec. 14, Lot 4 and S½NW¼;
Sec. 15, Lots 1, 2, and 3, SW¼NW¼, and NW¼SW¼; and
Sec. 16, Lot 5, E½SE¼NE¼, NW¼SE¼NE¼, S½SW¼SE¼, and NE¼SE¼.

The areas described aggregate 263.26 acres, more or less, in Lawrence County, South Dakota.

A notice of the proposed withdrawal was published in the **Federal Register** on February 5, 1972, Vol. 37, page 2793, document No. 72–1742. We have deleted M.S. 1216 in this republication as the government does not own the minerals. Also, we have reduced the roadside strip from 200 feet to 150 feet as requested by the Forest Service.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, or or before August 31, 1979. Notice of the public hearing will be published in the **Federal Register**, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau Land Management on or before August 31, 1979.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau

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of Land Management, Department of the Interior, P.O. Box 30157, Billings, Montana 59107.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-23707 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-84-M

[W-045038]

Wyoming; Notice of Application

July 18, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an appalication to amend their existing right-of-way W-045038 to construct a 4 inch lateral crossover pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 27 N., R. 113 W.,
Sec. 20, SW¼SW¼

The proposed lateral crossover pipeline consisting of 20 feet of pipeline will serve to connect Northwest Pipeline Corporation's existing Hogsback 73-19 Well lateral pipeline to their existing lateral A-2 pipeline, all located within the SW¼SW¼ of Section 20, T. 27 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to conform 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 do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-23713 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF INTERIOR

Coal Slurry Pipeline; Public Scoping Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Scoping Meetings on Energy Transportation Systems, Inc. (ETSI) Coal Slurry Pipeline EIS.

SUMMARY: The Department of the Interior, Bureau of Land Management, Wyoming State Office will hold scoping meetings on the ETSI EIS. The statement will analyze construction, operation and maintenance of a 36 to 38-inch diameter coal slurry pipeline approximately 1,355 miles long, capable of transporting 25 million tons of coal per year to coal-fired electric generating plants along the proposed route and to a barge facility at Penton, Mississippi. Associated facilities including pumping stations, dewatering facilities, a barge terminal and slurry preparation plants will also be assessed in the statement. Alternatives to be considered include, but will not be limited to, routes, facilities and other transportation modes capable of transporting approximately 25 million tons of coal annually from Wyoming to markets in the midwest and gulf coast regions. Public workshops to help identify the scope of the ETSI EIS will be held at the following places and times:

Monday, August 20, 1979, 1:30 p.m. in the Denver Community Program Center, Emerson House, Inc., 1420 Logan Street, Denver, Colorado.

Tuesday, August 21, 1979, 7:00 p.m. in the Commission Chamber of the Public Safety Center, 2nd and Oklahoma Streets in Ponca City, Oklahoma.

Wednesday, August 22, 1979, 7:00 p.m. in the Council Chamber of the Grand Community Building, 6th and North Adair Streets in Pryor, Oklahoma.

Thursday, August 23, 1979 in the Arkansas Game and Fish Commission Auditorium, No. 2 Natural Resources Drive in Little Rock, Arkansas.

Monday, August 27, 1979 at the Desoto County Courthouse in Hernando, Mississippi.

Tuesday, August 28, 1979 at the Concordia Parish Police Jury Meeting Room, Highway 84 West in Vidalia, Louisiana.

Wednesday, August 29, 1979 at the Multi-purpose Room, Alliance High School, 100 West 14th in Alliance, Nebraska.

The purpose of these public workshops is: (1) to provide information to the public concerning the nature of the proposal and the purpose of the Environmental Impact Statement, and (2) to have the public, through a workshop process identify for BLM's consideration in the EIS, the significant issues and impacts that they feel are associated with the proposed project.

The contact for the ETSI Coal Slurry Pipeline Environmental Impact Statement is: Richard E. Traylor, ETSI EIS 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 328-2405. A summary of the proposed project and meeting agenda may be obtained from the above address. Persons unable to attend the public meetings may submit written comments as to what may be the significant issues and impacts. The comments should also include reasons why the identified issue or impact is significant and why they should be included in the EIS. Written comments should be submitted no later than August 29, 1979.

Dated: July 23, 1979.

P. D. Leonard,

Acting Director, Wyoming.

[FR Doc. 79-23812 Filed 7-31-79; 8:45 a.m.]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Animal Damage Control for Migratory Birds, Rodents, and Miscellaneous Mammals Environmental Impact Statement; Scoping Meeting

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that a meeting of all affected agencies and interested individuals will be held to help determine and refine the scope of an environmental impact statement for those portions of the Animal Damage Control Program dealing with migratory birds, rodents, and miscellaneous mammals.

To comply with the NEPA regulations which become effective July 30, 1979, and to provide the guidance and perspective of a broad range of affected groups, the Service invites the participation of all individuals who can provide construction criticism and suggestions.

DATES: Tuesday, Wednesday, and Thursday, September 4, 5, and 6, 1979 (The scoping meeting will be shortened as progress warrants).

ADDRESS: Main Interior Auditorium, 18th and C Streets, Washington, D.C. 20240. Meetings will start at 9:00 a.m. each day.

FOR FURTHER INFORMATION CONTACT: F. Nelson Swink, Chief, Branch of Birds, Division of Animal Damage Control, Fish and Wildlife Service, U.S. Department of the Interior (202) 632-7463.

SUPPLEMENTARY INFORMATION: For the purposes of this impact statement, the action of source of the impacts is the current Animal Damage Control program dealing with migratory birds, rodents, or miscellaneous animals or

proposed alternative. The need of or purpose for the action is the resolution of people-wildlife conflicts as it serves the interest and welfare or mankind.

Environmental Impact Statement on Predator Control in the West and the use of PA-14 to control Winter Roosting Blackbirds and Starlings have already been released in final form and will not be repeated in the proposed statement.

All who wish to attend this meeting are asked to advise Mr. Swink at the address or phone number above by *September* 1, 1979.

Dated: July 27, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-23643 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF THE INTERIOR

National Park Service

[INT DES 79-48]

Designation of a Segment of the Green and Yampa Rivers as Units in the National Wild and Scenic Rivers System; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft study report/environmental statement for a proposal to designate 138 miles of the Green and Yampa Rivers in Colorado and Utah as National Wild and Scenic Rivers.

Written comments on the environmental statement are invited and will be accepted on or before September 17, 1979. Comments should be addressed to the Regional Director, Rocky Mountain Region.

Copies are available for inspection at the following locations:

Director, National Park Service, Interior Building, Washington, D.C. 20240, Telephone: (202) 343-5213.

Regional Director, Rocky Mountain Region, National Park Service, 655 Parfet Street, P.O. 25287, Denver, Colorado 80225.

A limited number of single copies are available and may be obtained by writing the above offices.

Dated: July 27, 1979.

Larry E. Meierotto,

Assistant Secretary of the Interior.

[FR Doc. 79-23743 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-56]

Certain Thermometer Sheath Packages; Commission Determination and Order

The United States International Trade Commission conducted an investigation under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) ("section 337") of unfair methods of competition and unfair acts in the unauthorized importation into the United States of certain thermometer sheath packages covered by the claims of U.S. Letters Patents No. 3,525,558 and 3,847,280, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. On July 10, 1979, the Commission determined that there is a violation of section 337 and ordered that thermometer sheath packages falling within claims 1, 4, 5, 8, 9, 13, 15, 16, 17, and 18 of U.S. Letters Patent No. 3,552,558, and claims 1, 2, and 5 of U.S. Letters Patent No. 3,847,280 be excluded from entry into the United States for the term of those patents (until January 5, 1988) [1] unless the importation is licensed by the patent owner.

This determination and order disposes of the Commission's thermometer sheath packages investigation. The Commission's determination and order are set forth below; the Commissioners' opinions are included in a separate Commission publication.

Determination

Having reviewed the record in this matter, the Commission, on July 10, 1979, determined: [2]

1. That there is a violation of section 337 of the Tariff Act of 1930, as amended, in the importation into the United States of certain thermometer sheath packages falling within claims 1, 4, 5, 8, 9, 13, 15, 16, 17, and 18 of U.S. Letters Patent No. 3,552,558 and claims 1, 2, and 5 of U.S. Letters Patent No. 3,847,280, or in their sale by their owners, importers, consignees, or agents of either, in the United States, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States; [3]

2. That the appropriate remedy for such a violation is to direct that thermometer sheath packages falling within claims 1, 4, 5, 8, 9, 13, 15, 16, 17, and 18 of U.S. Letters Patent No. 3,552,558, and claims 1, 2, and 5 of U.S. Letters Patent No. 3,847,280, be excluded from entry into the United States for the terms of said patents, except under license of the patent owner; [4]

3. That, after considering the effect of such relief upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, such relief should be imposed; and

4. That the bond provided for in subsection (g)(3) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(g)(3)) be in the amount of 10 percent of the value of the thermometer sheath packages concerned, f.o.b. foreign port.

Order

Accordingly, it is hereby ordered that—

1. Complainant's motion [5] to dismiss those portions of the amended complaint which allege that respondents are offering their thermometer sheath packages below their average variable cost in order to damage the business of complainant and make complainant less effective as a competitor, is granted;

2. Thermometer sheath packages falling within claims 1, 4, 5, 8, 9, 13, 15, 16, 17, and 18 of U.S. Letters Patent No. 3,552,558 and claims 1, 2, and 5 of U.S. Letters Patent No. 3,847,280 are excluded from entry into the United States for the terms of said patents except where such importation is licensed by the owner of said patents; [6]

3. Thermometer sheath packages ordered to be excluded from entry are entitled to entry into the United States under bond in the amount of 10 percent of their value, f.o.b. foreign port, from the day after the day this order is received by the President pursuant to section 337(g) of the Tariff Act of 1930, as amended, until such time as the President notifies the Commission that he approves or disapproves this action, but, in any event, not later than 60 days after such day of receipt;

[1] A terminal disclaimer filed with the application for U.S. Letters Patent No. 3,847,280 reduces the term of that patent, granted Nov. 12, 1974, to Jan. 5, 1988, the expiration date of U.S. Letters Patent No. 3,552,558.

[2] Chairman Joseph O. Parker determined that there is no violation of sec. 337 for the reasons set forth in his dissenting opinion.

[3] The Commission determined that claims 12 and 19 of U.S. Letters Patent No. 3,552,558 are not being infringed by the imported thermometer sheath packages.

[4] Because the terminal portion of U.S. Letters Patent No. 3,847,280 has been disclaimed, the expiration date for both patents is Jan. 5, 1988.

[5] The motion is not numbered, but is contained in a letter from complainant's counsel dated Feb. 7, 1979, and filed Feb. 12, 1979.

[6] See note 1, supra.

4. That this determination and order will be published in the **Federal Register** and served upon each party of record in this investigation and upon the U.S. Department of Health, Education and Welfare, the U.S. Department of Justice, the Federal Trade Commission, and the Secretary of the Treasury; and

5. That the United States International Trade Commission may amend this order at any time.

By order of the Commission.

Issued: July 25, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-23784 Filed 7-31-79; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL ENDOWMENT FOR THE ARTS

Expansion Arts Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Expansion Arts Panel will be held on August 22, 1979, August 23, 1979 and August 24, 1979, from 9:00 a.m.-5:30 p.m. in room 1426 of the Columbia Plaza Office Building, 2401 E St., N.W., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be Policy and Guidelines.

Further information with reference to this meeting can be obtained from Mr. John H., Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

July 25, 1979.

[FR Doc. 79-23714 Filed 7-31-79; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-320]

Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit 2); Order for Modification of License

I. Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (the licensee) are the holders of Facility Operating License No. DPR-73, which authorizes operation of the Three Mile Island Nuclear Station, Unit 2 at power levels up to 2772 megawatts thermal. The facility, which is located in Londonderry Township, Dauphin County, Pennsylvania, is a pressurized water reactor used for the commercial generation of electricity.

II. On March 28, 1979, an accident at the Three Mile Island Nuclear Station Unit 2 resulted in substantial damage to the reactor core and to certain reactor systems and components. The facility is not capable of operation and is in a shutdown condition with fuel in the core. Although many systems and components were damaged or have subsequently failed, the facility is now in a safe and stable cooling condition. The stable, long-term cooling condition is currently being maintained in accordance with approved operating and contingency procedures, with decay heat being removed by natural convection circulation of primary coolant through the core with heat rejection through the "A" steam generator. The "A" steam generator is producing steam which is condensed in the condenser and recirculated to the "A" steam generator. An alternative means of removing decay heat from the primary coolant is through the "B" steam generator. The steam side of the "B" steam generator has been modified to provide a water solid, closed loop cooling system which is in turn cooled by the secondary services closed cooling water system. Either steam generator cooling mode is adequate to remove decay heat from the primary coolant. If natural circulation cooling of the core should be lost, contingency plans and procedures have been prepared and approved for alternate means of providing long-term core cooling. These alternate core cooling means include forced circulation of the primary coolant using the reactor coolant pumps or decay heat removal pumps.

III. The facility operating license is being reviewed and a detailed evaluation of the license modifications necessary to reflect the present condition of the facility and to assure the continued maintenance of the current safe, stable, long-term cooling condition of the facility, is being prepared. This evaluation will be set forth in a forthcoming Safety Evaluation which will address the imposition of new and/or revised Technical Specifications setting forth appropriate license conditions. It is expected that this effort will be completed in about 30 days at which time a further Order will be issued. Pending completion of the review and evaluation, it is appropriate to limit activities at the facility to maintenance of the reactor in its present condition. Furthermore, because of the current condition of the plant, the public health, safety and interest require that this suspension be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is ordered that:

(1) The authority provided by Facility Operating License No. DPR-73 to operate Three Mile Island Nuclear Station, Unit 2, is hereby suspended, effective immediately.

(2) Pending further amendment of the Facility Operating License, the licensee shall maintain the facility in a shutdown condition in accordance with the approved operating and contingency procedures for the facility.

In view of the further action to be taken with respect to this facility, the time within which the licensee may file an answer and any person whose interest may be affected by this Order may request a hearing in this matter, shall be as provided by the subsequent Order identified in Part III above.

Dated at Bethesda, Maryland this 20th day of July 1979.

For the Nuclear Regulatory Commission

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-23722 Filed 7-31-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment changes the provisions of the Technical Specifications to restrict operation with less than all reactor coolant loops in service.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10

CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 11, 1979, (Proposed Change No. 80), (2) Amendment No. 43 to License No. DPR–13, (3) the Commission's related Safety Evaluation, and (4) the Commission's letter to the licensee dated April 30, 1979, including the enclosed staff evaluation for Systematic Evaluation Program Topic IV–1.A, "Operation With Less Than All Loops In Service." All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California 92672. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of July, 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-23724 Filed 7-31-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Provisional Operating License No. DPR–13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which amended the license and its appended Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility) located in San Diego County, California.

The amendment adds license conditions relating to the completion of facility modifications and implementation of administrative controls for fire protection, and modifies the Technical Specifications to delete limiting conditions for operation and surveillance requirements for existing fire protection systems relative to the use of the screen wash pumps. The amendment also increases the compliment of the fire brigade in Technical Specifications 6.2.2.f from three to five members. The amendment is effective as of its date of issuance, except that the administrative controls shall be in effect within 90 days from the date of issuance of the amendment.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) and environmental impact statement or negative declaration and enviromental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's May 1978 submittal received by the Commission on June 8, 1978, with an undated letter responding to the Commission's March 16, 1978 letter, in addition to submittals dated May 19, July 3, October 18 and 30, 1978, December 1, 1978, January 11, 1979, and January 15, 1979, (2) Amendment No. 44 to License No. DPR–13, including the Commission's letter of transmittal, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of July, 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-23725 Filed 7-31-79; 8:45 am]

BILLING CODE 7590-01-M

Implementation of Emergency Planning Requirements for Commercial Nuclear Power Reactors

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Meeting.

SUMMARY: On January 11, 1973 the Commission published in the Federal Register a revised Appendix E, "Emergency Plans for Production and Utilization Facilities to 10 CFR Part 50. Since that time the Commission has issued Regulatory Guide 1.101, "Emergency Planning for Nuclear Power Plants," March 1977, which outlines an emergency planning program for nuclear power reactors which meet the requirements of 10 CFR Part 50, Appendix E. As a result of recent incidents involving emergency plan utilization by licensees, improvements to increase the effectiveness and efficiency of licensees emergency plans have become necessary. In this connection the Commission will hold regional meetings to discuss these requirements and guidance.

DATES AND ADDRESSES:

Region I—August 20, 1979, 8 a.m.–3:30 p.m.—Holiday Inn, 260 Goddard Boulevard, King of Prussia, PA 19406.

Region II—August 24, 1979, 8 a.m.–3:30 p.m.—Peachtree Plaza, Peachtree Street, Atlanta, GA.

Region III—August 21, 1979, 8 a.m.–3:30 p.m.—Holiday Inn, 1250 Roosevelt Road, Glen Ellyn, IL 60137.

Region IV and V—August 22, 1979, 8 a.m.–3:30 p.m.—EPA Environmental Systems, Laboratories, 944 East Harmon, Las Vegas, NV 89109.

FOR FURTHER INFORMATION CONTACT: Frank G. Pagano, Chief, Reactors Safeguards Development Branch, Division of Operating Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7846.

SUPPLEMENTAL INFORMATION: The primary purpose of these meetings will be (1) to provide a further explanation of the necessary improvements; (2) explain the regulatory approach to be taken to effect these improvements; and (3) provide a forum for discussion of the rules and guidance.

Persons other than the NRC staff and licensee representatives may observe the proceedings but will not be permitted to participate in the

discussions since only a limited time will be available for discussion.

Persons other than reactor licensees, desiring to attend the meetings should call the Office of the Chief, Reactor Safeguards Development Branch (Frank Pagano), phone (301) 492–7846, before August 15, 1979.

Dated at Bethesda, Maryland, this the 26th day of July 1979, for the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-23723 Filed 7-31-79; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 01/01-0303]

Cohasset Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is herby given than an Application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1979)) under the name of Cohasset Capital Corporation (Applicant), for a license to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (Act), and the Rules and Regulations promulgated thereunder.

The Applicant, will be located at 220 Beechwood Street, Cohasset, Massachusetts 02025, and will begin operations with a capitalization of $515,000. Applicant's Common Stock, $1 Par Value will be sold to approximately 20 beneficial shareholders in a private offering. The Applicant presently has outstanding binding subscriptions from the investors listed below to purchase 27,500 shares of its Common Stock, $1 Par Value at $10 per share:

	Shares subscribed
Beaunit Corp. 1000 Wade Avenue, Raleigh, North Carolina 17605	15,000
Carter Broadcasting Corporation, 312 Stewart Street, Boston, MA 02116	5,000
HKSG, Inc., 872 Westford Road, Carlisle, MA 01741	5,000
Wilfred E. Gardner, Jr. 76 Garden Road, Wellesley Hills, MA 02181	2,500

The officers and directors of the Applicant will be as follows:

President Director* Grant M. Wilson, 872 Westford Road, Carlisle, MA 01741.

Treasurer, Director, Robert E. Swain, 14 Border Street, No. Scituate, MA 02066.

Clerk, Director, Wilfred E. Gardner, Jr., 76 Garden Road, Wellesley Hills, MA 02181.

Assistant Treasurer, Beverly A. Medinger, 4 Tupelo Road, Cohasset, MA 02025.

The Applicant intends to make investments principally in the Commonwealth of Massachusetts and in other areas within the United States and its territories and possessions.

Matters involved in SBA's consideration of the Applicant include the general reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may (within 15 days after the date of publication of this Notice), submit written comments on the Applicant to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N. W., Washington, D.C. 20416.

A copy of this Notice shall be published by the Applicant in a newspaper of general circulation in Cohasset, Massachusetts.

(Catalogue of Federal Domestic Program No. 59.011, Small Business Investment Companies).

Dated: July 26, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-23751 Filed 7-31-79; 8:45 am]

BILLING CODE 8025-01-M

*Grant M. Wilson is also Vice President of Beaunit Corporation, Treasurer of Carter Broadcasting Corporation and President of HKSG, Inc.

[License No. 04/04-0168]

Gulf Coast Capital Co.; Application for a License as a Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to Section 107.102 of the Regulations (13 CFR 107.102 (1979)), under the name of Gulf Coast Capital Company, 70 North Baylen Street, Pensacola, Florida 32501 for a license to operate in the State of Florida as an SBIC, under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers and directors and major stockholders are as follows:

Name and title	*Percent*
President, General Manager and Director, Oscar M. Thorp, 928 Fairway Drive, Warrington, Fla. 32507	0
Vice President, Director, William G. Champlin, 615 Bayshore Drive, Warrington, Fla. 32507	0
Secretary, Treasurer, and Director, Schuyler J. Reed, 515 S. Second Street, Warrington, Fla. 32504	0
Mutual Federal Savings and Loan Association, 70 North Baylen Street, Pensacola, Fla. 32501	100

The stock will all be owned by Mutual Federal Savings and Loan Association, which is a Federally chartered mutual savings and loan association having no beneficial holders.

The applicant will begin operations with a capitalization of $500,000, which will be a source of equity capital and long-term loans for qualified small business concerns.

The applicant will conduct its operations principally in the State of Florida and in other areas wherever the need may arise.

Matters involved in SBA's consideration of the application include the general reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any interested person may (on or before August 13, 1979) submit written comments on the proposed company to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 25, 1979.

Peter F. McNeish,

Acting Associate Adminstrator for Finance and Investment.

[FR Doc. 79-23750 Filed 7-31-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 01/01-0302]

Transatlantic Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an Application has been filed with the Small Business Administration, pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1979)), under the name of Transatlantic Capital Corporation (Applicant) for a License to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (ACT), and the Rules and Regulations promulgated thereunder.

The Applicant is incorporated under the laws of the Commonwealth of Massachusetts and it will commence operations with a capitalization of $3,000,000, which amount will be raised from the sale of shares of Common

Stock, $1 Par Value, of the Applicant to three (3) shareholders. The Klebl Trust will own twenty percent (20%) of the stock; the Bank in Liechtenstein will own forty percent (40%); and the Prince of Liechtenstein Foundation will own forty percent (40%).

The Klebl Trust, Liechtenstein, was established by Norman Klebl, a proposed director of the Applicant, for the benefit of his immediate family.

The Bank in Liechtenstein, Liechtenstein, is ninety percent (90%) owned by the Furst von Liechtenstein Stiftung, (Prince of Liechtenstein Foundation), Schloss Vaduz, 9490 Vaduz, Principality of Liechtenstein. The Foundation was established in 1970 by the Reigning Prince Franze Josef II of Liechtenstein.

The Officers and Directors of the Applicant will be:

Names and Addresses: Proposed Title or Relationship to Licensee

President and Director, Bayard Henry, 65 Goodard Ave., Brookline, Mass. 02146.
Vice President, Treasurer and Assistant Clerk, John O. Flender, 112 Avon Hill Street, Cambridge, Mass. 02140.
Clerk, William D. Nichols, 100 Federal Street, Boston, Mass. 02110.
Director, Hans Adam Liechtenstein, Schloss Vaduz, FL-9490 Vaduz, Liechtenstein.
Director, Norbert Klebl, Fernholz 15, 403 Ratingen, Germany.
Director, James R. Dempsey, 4081 Ridgeview Circle, Arlington, VA. 22208.
Director, Charles C. Cunningham, Director, 63 Hillside Road, Brookline, Mass. 02146.
Director, Harvey J. Sarles,* 25 Thomas Street, Harrington, R.I. 02806.

The Applicant will have its principal place of business at 60 Batterymarsh Street, Boston, Massachusetts 02110, and it intends to conduct operations primarily in the Northeastern part of the United States.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may within 15 days after the date of publication of this Notice, submit written comments on the Applicant to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published by the Applicant in a newspaper of general circulation in Boston, Massachusetts.

(Catalogue of Federal Domestic Assistance Program No. 59.011, Small Business Investment Investment Companies).

Dated: July 23, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-23752 Filed 7-31-79; 8:45 am]

BILLING CODE 8025-01-M

*Harvey J. Sarles is also a Consultant and Director of Narragansett Capital Corporation, 40 Westminster Street, Providence, Rhode Island 02903, a Federal Licensee under the Small Business Investment Act of 1958, as amended.

[License No. 09/09-5236]

Yosemite Capital Investment Co.; Issuance of a License To Operate as a Small Business Investment Company

On April 23, 1979, a notice was published in the **Federal Register** (44 FR 23961) stating that Yosemite Capital Investment Company located at 448 Fresno Street, Fresno, California 93706, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1979) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business May 8, 1979, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued license No. 09/09-5236 to Yosemite Capital Investment Company on July 17, 1979.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: July 23, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-23753 Filed 7-31-79; 8:45 am]

BILLING CODE 8025-01-M

Office of the Chief Counsel for Advocacy; Hearing

Pursuant to the statutory authority set forth in Section 632(d) of Title 15, United States Code, the Chief Counsel for Advocacy of the Small Business Administration, Milton D. Stewart, Esq., with the approval of the Administrator, A. Vernon Weaver, will conduct public hearings in Des Moines, Iowa, on August 28, 1979, on "Government Competition With Small Business." The hearing will convene at 9:00 a.m. (C.S.T.) in Room 113 Federal Building, 210 Walnut Street in Des Moines.

The Chief Counsel, with the assistance of a Special Task Group, will assess the adequacy of current efforts to restrict Federal government involvement in commercial and industrial activities, and the incidence and effects of direct and indirect competition by the Federal, state and local governments with small business.

Participants will include owners and representatives of small businesses which have been directly affected by government competition, pertinent trade associations and concerned government officials.

The hearing is open to the public. Any member of the public may make a verbal statement, but must file a written statement prior to the hearing. Any member of the public may file a written statement with the Office of the Chief Counsel for Advocacy before, during or after the hearings. All communications or inquiries regarding these hearings should be addressed to: Doreen Thompson, Office of the Chief Counsel for Advocacy, U.S. Small Business Administration, 1441 L Street NW.—Rm. 219, Washington, D.C. 20416, (202) 653-6998.

Milton D. Stewart,

Chief Counsel for Advocacy.

[FR Doc. 79-23677 Filed 7-31-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority No. 99.1.108]

AID Representative, Burma; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the AID Representative, Burma, the authority to sign:

1. U.S. Government contracts, grants, or amendments thereto provided that the aggregate amount of each individual contract or grant does not exceed $50,000 or local currency equivalent:

2. Contracts with individuals for the services of the individual alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent; and

3. Operational Program Grants (OPG's) subject to the conditions set forth in AID Redelegation of Authority No. 99.1.95.

The authority delegated in paragraphs 1 and 2 above may be redelegated in writing, in whole or in part, by the AID Representative at his/her discretion to the person or persons designated by the AID Representative as the Contracting Officer. Such redelegation shall remain in effect until the designated person or persons ceases to hold the office of Contracting Officer or until the redelegation is revoked by the AID Representative, whichever shall first occur. The authority so redelegated by the AID Representative may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein redelegated may be exercised by duly authorized persons who are performing the functions of the AID Representative's acting capacity.

Actions within the scope of this delegation and any redelegation hereunder heretofore taken by officials designated in such delegation or redelegation are hereby ratified and confirmed.

This redelegation of authority is effective immediately.

Dated: July 20, 1979.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 79-23637 Filed 7-31-79; 8:45 am]

BILLING CODE 4710-02-M

[Nos. 5.24, 38.21, 99.19 and 112.12]

A.I.D. Representative in Burma; Redelegation of Authority

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449) as amended, with respect to Loan Agreements, No. 38, dated April 10, 1964 (29 FR 5280), as amended, with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the A.I.D. Representative in Burma and to any person acting in this official capacity, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto up to Five Hundred Thousand United States Dollars ($500,000) with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the "Act"), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membership consisting primarily of such foreign governments;

2. Authority to implement such loan and grant agreements with respect to loans and grants authorized under the Act, including the following:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders (PIO's);

(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements; *Provided*, that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent; and

(f) Authority to extend terminal dates for signing Project Agreements and meeting initial conditions precedent for a cumulative period of not to exceed six months for each, and to extend terminal dates for requesting disbursement authorizations, terminal disbursement dates, and Project Assistance Completion Dates (PACD's) for a cumulative period of not to exceed one year for each.

The authorities enumerated above may be exercised only after appropriate consultation with A.I.D. technical and legal staff.

The authority enumerated above in paragraph one (1) with respect to execution of loan and grant agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Burma.

This Redelegation of Authority is effective immediately.

Dated: July 18, 1979.

John H. Sullivan,

Assistant Administrator, Bureau for Asia.

[FR Doc. 79-23638 Filed 7-31-79; 8:45 am]

BILLING CODE 4710-02-M

Revocation of Authority for AID Programs in Burma

Delegation of Authority No. 51, dated August 10, 1964 is hereby revoked.

Dated: July 19, 1979.

Robert H. Nooter,

Administrator (Acting), Agency for International Development.

[FR Doc. 79-23636 Filed 7-31-79; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 156 (Rev. 1); Chief Counsel Order No. 1031.3]

Delegation of Authority To Disclose Tax Information

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This revised delegation order authorizes certain officials of the Internal Revenue Service to disclose tax information and to permit testimony or the production of documents. The text of the delegation order appears below.

EFFECTIVE DATE: August 31, 1979.

FOR FURTHER INFORMATION CONTACT: Howard T. Martin, CP:D, 1111 Constitution Ave., N.W., Room 1603, Washington, D.C. 20224, Telephone number 202-566-3908 (Not a Toll-Free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Howard T. Martin,

Director, Disclosure Operations Division.

U.S. Treasury Department, Internal Revenue Service

Delegation Order

Order No. 156 (Rev. 1)

Chief Counsel Order No. 1031.3

Date of issue: July 30, 1979.
Effective Date: August 31, 1979.

Subject: Authority To Permit Disclosure of Tax Information and To Permit Testimony or the Production of Documents.

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150–37, dated March 17, 1955, and in the Chief Counsel by General Counsel Order No. 4 dated June 14, 1979 and by Treasury Department Order No. 190 (Revision 15), dated March 16, 1978, authority to act in matters officially before their respective functions is hereby delegated as follows:

(1) The Deputy Commissioner; Assistant Commissioners; Deputy Assistant Commissioners; Division Directors; Deputy Chief Counsels; Chief Counsel Division Directors; Regional Commissioners; Regional Inspectors; Regional Counsels; Deputy Regional Counsels; District Counsels; District and Service Center Directors; Director of International Operations; Director, National Computer Center; and Director, Data Center are authorized:

(a) To disclose or, in specific instances, authorize the disclosure of returns or return information to such persons as the taxpayer may designate in a written request, subject to the conditions prescribed in IRC 6103(c) and the Treasury Regulations thereunder. The authority to withhold return information upon a determination that such disclosure would seriously impair Federal tax administration is also delegated. The authority delegated in this paragraph to disclose returns or return information may be redelegated to Internal Revenue Service employees and employees of the Office of Chief Counsel to the extent necessary within the exercise of their official duties. The authority delegated in this paragraph to withhold return information may be redelegated not lower than Chiefs, Special Procedures function; Group Managers (or their equivalent); Chiefs, Appeals Offices; Chiefs, Criminal Investigation Branch; and Disclosure Officers.

(b) To disclose or, in specific instances, authorize the disclosure of returns, upon the written request of an individual taxpayer, partner, corporate officer, shareholder, administrator, executor, trustee, or other person having a material interest, except as provided below in paragraph (1)(c), subject to the conditions prescribed in IRC 6103(e). The authority to disclose or, in specific instances, authorize the disclosure of return information to such persons, upon a determination that disclosure would not seriously impair Federal tax administration, as prescribed in IRC 6103(e)(6), is also delegated. The authority delegated in this paragraph to disclose or authorize the disclosure of returns or return information may be redelegated to Internal Revenue Service employees and employees of the Office of Chief Counsel to the extent necessary within the exercise of their official duties. In the event a disclosure of return information would seriously impair Federal tax administration, the decision to withhold such return information will be referred to officials not lower than Chiefs, Special Procedures function; Group Managers (or their equivalent); Chiefs, Appeals Offices; Chiefs, Criminal Investigation Branch; and Disclosure Officers.

(c) To disclose or, in specific instances, authorize the disclosure of returns upon the written request of a person found to have a material interest which will be affected by information contained therein, subject to the conditions prescribed in IRC 6103(e)(1)(D)(vi), (e)(1)(E)(ii), (e)(1)(F)(ii), (e)(3)(B), and (e)(4). The authority to disclose or, in specific instances, authorize the disclosure of return information to such persons upon a determination that disclosure would not seriously impair Federal tax administration, as prescribed in IRC 6103(e)(6), is also delegated. The authority delegated in this paragraph may be redelegated not lower than Chiefs, Special Procedures function; Special Procedures function Advisor Reviewers; Group Managers (or their equivalent); Chiefs, Appeals Offices; Chiefs, Criminal Investigation Branch; and Disclosure Officers.

(d) To disclose or, in specific instances, authorize the disclosure of returns or return information to attorneys of the Department of Justice in a matter involving tax administration, subject to the conditions prescribed in IRC 6103(h)(2), the Treasury Regulations thereunder, and (h)(3). The authority delegated in this paragraph may be redelegated not lower than Chiefs, Special Procedures function; Group Managers (or their equivalent); Chiefs, Appeals Offices; and to attorneys of the Office of Chief Counsel directly involved in such matters.

(e) To disclose or, in specific instances, authorize the disclosure of returns or return information to officers and employees of the Department of Treasury, as specified in IRC 6103(1)(4)(B) or, upon written request, to employees and other persons specified in IRC 6103(1)(4)(A) for use in personnel or claimant representative matters, and to make relevancy and materiality determinations as provided in section 6103(1)(4)(A), subject to the conditions prescribed in IRC 6103(1)(4). The authority delegated in this paragraph may be redelegated only to Assistant Division Directors; Assistant Regional Commissioners; Regional Director of Appeals; Assistant Regional Inspectors; Regional Chief, Personnel Branch; Assistant District and Service Center Directors; Assistant Director of International Operations; Division Chiefs; Disclosure Officers; National Office Branch Chiefs, Internal Security Division; Staff Assistants to Regional Counsels; and to attorneys of the Office of Chief Counsel and Inspectors directly involved in such matters.

(f) To disclose or, in specific instances, authorize the disclosure of returns or return information to the extent necessary in connection with contractual procurement by the Service or Office of the Chief Counsel of equipment or other property or services, subject to the conditions prescribed in IRC 6103(n) and the Treasury Regulations thereunder. The authority delegated in this paragraph may be redelegated only to Assistant Division Directors; Assistant Regional Commissioners; Regional Director of Appeals; Assistant Regional Inspectors; Assistant District and Service Center Directors; Assistants to the District and Service Center Directors; Assistant Director of International Operations; Division Chiefs; Chief Counsel Assistant Division Directors; Staff Assistants to Regional Counsels; and Disclosure Officers.

(g) To disclose or, in specific instances, authorize the disclosure of return information (other than taxpayer return information) which may constitute evidence of a threat or an irrational statement against the President or other government official to the U.S. Secret Service, subject to the conditions prescribed in IRC 6103(i)(3). The authority delegated in this paragraph may not be redelegated.

(2) The Deputy Commissioner; Assistant Commissioners; Deputy Assistant Commissioners; Division Directors; Regional Commissioners; Regional Inspectors; District and Service Center Directors; Director of

International Operations; Director, National Computer Center; and Director, Data Center are authorized to determine whether a disclosure of returns or return information in a Federal or State judicial or administrative tax proceeding would identify a confidential informant or seriously impair a civil or criminal tax investigation, subject to the conditions prescribed in IRC 6103(h)(4). The authority delegated in this paragraph may not be redelegated.

(3) The Deputy Commissioner; Assistant Commissioner (Taxpayer Service and Returns Processing); Deputy Assistant Commissioner (Taxpayer Service and Returns Processing); Regional Commissioners; Director, Disclosure Operations Division; District and Service Center Directors; and Director of International Operations are authorized:

(a) To furnish an affirmative or negative response to a written inquiry from an attorney of the Department of Justice (including a United States Attorney) involved in a judicial tax proceeding, or any person (or his legal representative) who is a party to such proceeding, as to whether a prospective juror has or has not been the subject of any audit or other tax investigation by the Internal Revenue Service, subject to the conditions prescribed in IRC 6103(h)(5). The authority delegated in this paragraph may be redelegated only to the Assistant Director, Disclosure Operations Division; Assistant District and Service Center Directors; Assistants to the District and Service Center Directors; Assistant Director of International Operations; Division Chiefs; and Disclosure Officers.

(b) To disclose or, in specific instances, authorize the disclosure of:

(i) Accepted offers-in-compromise to members of the general public, subject to the conditions prescribed in IRC 6103(k)(1). When the liability compromised is $5,000 or over, the authority to disclose or, in specific instances, authorize the disclosure of accepted offers-in-compromise is also delegated to the Assistant Commissioner (Compliance); Deputy Assistant Commissioner (Compliance); and Director, Collection Division;

(ii) The amount of an outstanding lien to any person who furnishes satisfactory written evidence establishing a right in or intent to obtain a right in property subject to such lien, subject to the conditions prescribed in IRC 6103(k)(2). The authority to disclose or, in specific instances, authorize the disclosure of the amount of an outstanding lien is also delegated to the Assistant Commissioner (Compliance); Deputy Assistant Commissioner (Compliance); and Director, Collection Division;

(iii) Taxpayer identity information with respect to any income tax return preparer and information as to whether any penalty has been assessed against such preparer to officers and employees of any agency charged under State or local law with the regulation of such preparers, upon written request and subject to the conditions prescribed in IRC 6103(k)(5);

(iv) Returns or return information with respect to taxes imposed by IRC chapters 2, 21, and 24 to the Social Security Administration, upon written request and subject to the conditions prescribed in IRC 6103(1)(1)(A);

(v) Returns or return information with respect to taxes imposed by IRC chapter 22 to the Railroad Retirement Board, upon written request and subject to the conditions prescribed in IRC 6103(1)(1)(C).

(vi) Returns or return information with respect to taxes imposed by IRC subtitle E (relating to taxes on alcohol, tobacco and firearms) to officers and employees of the Bureau of Alcohol, Tobacco and Firearms, upon written request and pursuant to IRC 6103(o)(1).

The authority delegated in this paragraph may be redelegated only to Assistant Director, Disclosure Operations Division; Assistant District and Service Center Directors; Assistants to the the District and Service Center Directors; Assistant Director of International Operations; Division Chiefs, and Disclosure Officers. In addition, the authority delegated in subparagraph (i) may also be redelegated only to Chiefs, Special Procedures function; Special Procedures function Advisor Reviewers; and Group Managers (or their equivalent). The authority delegated in subparagraph (ii) may also be redelegated only to Chiefs, Special Procedures function; Special Procedures function Advisor Reviewers; Group Managers (or their equivalent); and Revenue Officers.

(4) The Deputy Commissioner; Assistant Commissioner (Taxpayer Service and Returns Processing); Deputy Assistant Commissioner (Taxpayer Service and Returns Processing); Director, Disclosure Operations Division; and Assistant Director, Disclosure Operations Division are authorized to disclose or, in specific instances, authorize the disclosure of returns or return information to designated State tax officials, upon written request by the head of a State tax agency, for the purpose of and to the extent necessary in the administration of State tax laws, pursuant to the provisions of IRC 6103(d) and subject to the conditions prescribed in IRC 6103(h)(4) and (p)(8). The authority to withhold return information pursuant to IRC 6103(d) and (h)(4) upon a determination that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation is also delegated. The authority delegated in this paragraph does not extend to the entry into Federal/State Agreements on the Coordination of Tax Administration. The authority delegated in this paragraph may be redelegated only to the Chief, Tax Disclosure Branch, Disclosure Operations Division.

(5) The Deputy Commissioner; Regional Commissioners; District and Service Center Directors; Director of International Operations; and Director, National Computer Center are authorized to disclose or, in specific instances, authorize the disclosure of returns or return information pursuant to Federal/State Agreements on the Coordination of Tax Administration entered into between the head of any State tax agency and the Commissioner of Internal Revenue, pursuant to the provisions of IRC 6103(d) and subject to the conditions prescribed in IRC 6103(h)(4) and (p)(8). The authority to withhold return information pursuant to IRC 6103(d) and (h)(4) upon a determination that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation is also delegated. The authority delegated in this paragraph may be redelegated only to Assistant District and Service Center Directors; Assistants to the District and Service Center Directors; Assistant Director of International Operations; Division Chiefs; and Disclosure Officers, but such redelegation shall not extend to the authority to withhold return information.

(6) The Deputy Commissioner; Assistant Commissioner (Taxpayer Service and Returns Processing); Deputy Assistant Commissioner (Taxpayer Service and Returns Processing); and Director, Disclosure Operations Division are authorized:

(a) To disclose or, in specific instances, authorize the disclosure of returns and return information to Congressional committees and other persons, upon written request and subject to the conditions prescribed in IRC 6103(f). The authority delegated in this paragraph may not be redelegated.

(b) To disclose or, in specific instances, authorize the disclosure of returns or taxpayer return information to officers and employees of a Federal agency pursuant to an *ex parte* order by

a Federal District Court judge when needed for use in the enforcement of a Federal criminal statute (not involving tax administration), subject to the conditions prescribed in IRC 6103(i)(1) and the Treasury Regulations thereunder. The authority to withhold any return or taxpayer return information, pursuant to IRC 6103(i)(1) of (i)(4), upon a determination that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation is also delegated. The authority delegated in this paragraph may be redelegated only to the Assistant Director, Disclosure Operations Division; and Branch Chiefs and Section Chiefs, Disclosure Operations Division, but such redelegation shall not extend to the authority to withhold returns or taxpayer return information.

(c) To disclose or, in specific instances, authorize the disclosure of return information (other than taxpayer return information) to officers and employees of a Federal agency upon written request by the head of such agency, or in the case of the Department of Justice, the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, when needed for use in the enforcement of a Federal criminal statute (not involving tax administration), subject to the conditions prescribed in IRC 6103(i)(2). The authority to withhold return information (other than taxpayer return information), pursuant to IRC 6103(i)(2) or (i)(4), upon a determination that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation is also delegated. The authority delegated in this paragraph may be redelegated only to the Assistant Director, Disclosure Operations Division; and Branch Chiefs and Section Chiefs, Disclosure Operations Division, but such redelegation shall not extend to the authority to withhold return information (other than taxpayer return information).

(d) To disclose or, in specific instances, authorize the disclosure in writing of return information (other than taxpayer return information), which may constitute evidence of a violation of Federal criminal laws, to the extent necessary to apprise the head of the appropriate Federal agency enforcing such laws, subject to the conditions prescribed in IRC 6103(i)(3). the authority to withhold return information (other than taxpayer return information), pursuant to IRC 6103(i)(4), upon a determination that such disclosure would identify a confidential informant or seriously impair a civil or criminal tax investigation is also delegated. The authority delegated in this paragraph may be redelegated only to the Assistant Director, Disclosure Operations Division; and Branch Chiefs and Section Chiefs, Disclosure Operations Division, but such redelegation shall not extend to the authority to withhold return information (other than taxpayer return information). This authority is in addition to the authority previously delegated in paragraph (1)(g).

(e) To disclose or, in specific instances, authorize the disclosure of returns or return information to officers and employees of the General Accounting Office, upon written request by the Comptroller General of the United States and subject to the conditions prescribed in IRC 6103(i)(6). The authority delegated in this paragraph may not be redelegated.

(f) To disclose or, in specific instances, authorize the disclosure of the mailing address of a taxpayer to officers and employees of an agency when needed in connection with a Federal claim against such taxpayer, upon written request and subject to the conditions prescribed in IRC 6103(m)(2). Upon approval by the Director, Disclosure Operations Division or his/her delegate of a contractual agreement for such disclosures, the authority delegated in this paragraph is also delegated to the Assistant Commissioner (Data Services); Executive Assistant to the Assistant Commissioner (Data Services); Director, Service and Design Division; Director, National Computer Center; and Service Center Directors. The authority delegated in this paragraph to the Deputy Commissioner; Assistant Commissioner (Taxpayer Service and Returns Processing); Deputy Assistant Commissioner (Taxpayer Service and Returns Processing); and Director, Disclosure Operations Division, may be redelegated only to the Assistant Director, Disclosure Operations Division; and Branch Chiefs and Section Chiefs, Disclosure Operations Division. The authority delegated to the Assistant Commissioner (Data Services); Executive Assistant to the Assistant Commissioner (Data Services); Director, Service and Design Division; Director, National Computer Center; and Service Center Directors may not be redelegated. The authority delegated in this order does not include authority to enter into a contractual agreement, which is contained in Delegation Order No. 100, as revised.

(g) To disclose or, in specific instances, authorize the disclosure of the mailing address of taxpayers to officers and employees of the National Institute for Occupational Safety and Health, upon written request and subject to the conditions prescribed in IRC 6103(m)(3). Upon approval by the Director, Disclosure Operations Division or his/her delegate of a contractual agreement for such disclosures, the authority delegated in this paragraph is also delegated to the Assistant Commissioner (Data Services); Executive Assistant to the Assistant Commissioner (Data Services); Director, Service and Design Division; Director, National Computer Center; and Service Center Directors. The authority delegated in this paragraph to the Deputy Commissioner; Assistant Commissioner (Taxpayer Service and Returns Processing); Deputy Assistant Commissioner (Taxpayer Service and Returns Processing); and Director, Disclosure Operations Division, may be redelegated only to the Assistant Director, Disclosure Operations Division; and Branch Chiefs and Section Chiefs, Disclosure Operations Division. The authority delegated to the Assistant Commissioner (Data Services); Executive Assistant to the Assistant Commissioner (Data Services); Director, Service and Design Division; Director, National Computer Center; and Service Center Directors may not be redelegated. The authority delegated in this paragraph does not include authority to enter into a contractual agreement, which is contained in Delegation Order No. 100, as revised.

(h) To disclose, or in specific instances, authorize the disclosure of the mailing address of any taxpayer who has defaulted on a loan made from the student loan fund established under part E of title IV of the Higher Education Act of 1965 to the Commissioner of Education, upon written request and subject to the conditions prescribed in IRC 6103(m)(4). Upon approval by the Director, Disclosure Operations Division or his/her delegate of a contractual agreement for such disclosures, the authority delegated in this paragraph is also delegated to the following officials: Assistant Commissioner (Data Services); Executive Assistant to the Assistant Commissioner (Data Services); Director, Service and Design Division; Director, National Computer Center; and Service Center Directors. The authority delegated in this paragraph to the Deputy Commissioner; Assistant Commissioner (Taxpayer Service and Returns Processing); Deputy Assistant Commissioner (Taxpayer Service and Returns Processing); and Director, Disclosure Operations

Division, may be redelegated only to the Assistant Director, Disclosure Operations Division; and Branch Chiefs and Section Chiefs, Disclosure Operations Division. The authority delegated to the Assistant Commissioner (Data Services); Executive Assistant to the Assistant Commissioner (Data Services); Director, Service and Design Division; Director, National Computer Center; and Service Center Directors may not be redelegated. The authority delegated in this paragraph does not include authority to enter into a contractual agreement, which is contained in Delegation Order No. 100, as revised.

(7) The Deputy Commissioner and Assistant Commissioner (Planning and Research) are authorized:

(a) To disclose or, in specific instances, authorize the disclosure of returns or return information for statistical use to officers and employees of the Department of Commerce, Bureau of Census, upon the written request of the Secretary of Commerce or to officers and employees of the Department of the Treasury, subject to the conditions prescribed in IRC 6103(j)(1)(A) and the Treasury Regulations thereunder and (j)(3). The authority delegated in this paragraph may be redelegated only to the Director, Statistics Division.

(b) To disclose or, in specific instances, authorize the disclosure of return information for statistical use to officers and employees of the Department of Commerce, Bureau of Economic Analysis, upon the written request of the Secretary of Commerce, or to officers and employees of the Federal Trade Commission, upon written request of the Chairman, subject to the conditions prescribed in IRC 6103 (j)(1)(B) and (j)(2) and the Treasury Regulations thereunder. The authority delegated in this paragraph may be redelegated only to the Director, Statistics Division.

(8) The Deputy Commissioner; Assistant to the Commissioner (Public Affairs); Director and Assistant Director, Public Affairs Division; Regional Commissioners; and District Directors are authorized to disclose taxpayers' names and the city, state and zip code of their mailing addresses to the press and other media for purposes of notifying persons entitled to undelivered tax refunds, subject to the conditions prescribed in IRC 6103(m)(1). The authority delegated in this paragraph may not be redelegated.

(9) The Deputy Commissioner and Assistant Commissioner (Taxpayer Service and Returns Processing) are authorized:

(a) Upon written request of the President, to disclose, or in specific instances, authorize the disclosure of return information (other than return information that is adverse to the taxpayer) of an individual who is under consideration for appointment to a position in the executive or judicial branch of the Federal Government to the authorized representative of the Executive Office of the President or to the Federal Bureau of Investigation on behalf of the President, subject to the conditions prescribed in IRC 6103 (g)(2) and (g)(4). Authority is also delegated to disclose or, in specific instances, authorize the disclosure of return information with respect to the categories of individuals discussed above to the heads of Federal agencies upon written request, or the Federal Bureau of Investigation on behalf of and upon the written request of such agency heads, subject to the conditions described in IRC 6103 (g)(2) and (g)(4). Upon receipt of any request for return information under IRC 6103(g)(2), authority to notify the individuals with respect to whom the request has been made is also delegated. The authority delegated in this paragraph may be redelegated but not lower than:

(i) Deputy Assistant Commissioner (Taxpayer Service and Returns Processing), in the case of requests by or on behalf of the President where the return information to be disclosed is not adverse to the taxpayer;

(ii) Assistant Director, Disclosure Operations Division, in the case of requests by or on behalf of the heads of Federal agencies where the return information to be disclosed is adverse to the taxpayer;

(iii) Branch Chiefs, Disclosure Operations Division, in the case of requests by or on behalf of the heads of Federal agencies where the return information to be disclosed is not adverse to the taxpayer; and

(iv) Section Chiefs, Disclosure Operations Division, concerning the notification of individuals with respect to whom a request has been made.

(b) To make the determination that an agency, body or commission or the General Accounting Office has failed to or does not meet the requirements of IRC 6103(p)(4). Subject to the administrative review applicable to State tax agencies described in IRC 6103 (p) (7), authority to withhold returns and return information from any agency, body or commission or the General Accounting Office until a determination is made that the requirements of IRC 6103(p)(4) have been or will be met is also delegated. The authority delegated in this paragraph may not be redelegated.

(10) The Deputy Commissioner; Assistant Commissioner (Employee Plans and Exempt Organizations); Deputy Assistant Commissioner (Employee Plans and Exempt Organizations); Director, Disclosure Operations Division; Regional Commissioners; District Directors of Key Districts for Employee Plans and Exempt Organizations matters; Service Center Directors; Director, National Computer Center; and Director, Data Center are authorized to disclose, or in specific instances, authorize the disclosure of:

(a) Statements, notifications, reports, or other return information described in IRC 6057(d) to officers and employees of the Social Security Administration for the administration of section 1131 of the Social Security Act, upon written request and subject to the conditions prescribed in IRC 6103(1)(B). The authority delegated in this paragraph to the Assistant Commissioner and Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) may be redelegated, but not lower than Branch Chief, Employee Plans Division. The authority delegated in this paragraph to the Director, Disclosure Operations Division may not be redelegated. The authority delegated in this paragraph to Regional Commissioners may be redelegated not lower than Assistant Regional Commissioner. The authority delegated in this paragraph to the District Directors of Key Districts may be redelegated, but not below Chiefs, Technical Staffs, Employee Plans and Exempt Organizations Division. The authority delegated in this paragraph to Service Center Directors may be redelegated, but not lower than Section Chiefs (or their equivalent). The authority delegated in this paragraph to the Director, National Computer Center and Director, Data Center may be redelegated, but not lower than Branch Chiefs (or their equivalent).

(b) Returns or return information including compensation information, to officers and employees of the Department of Labor and Pension Benefit Guaranty Corporation for the administration of Titles I and IV of the Employee Retirement Income Security Act of 1974, upon written request and subject to the conditions prescribed in IRC 6103(1)(2) and the Treasury regulations thereunder. The returns or return information which may be disclosed under this paragraph include:

(i) Upon specific written request, the information specified in 26 CFR

420.6103(1)(2)–1(a), 2(a), 3(b)(1), and 3(b)(2);

(ii) Upon receipt by the Commissioner of Internal Revenue of an annual written request, the information specified in 26 CFR 420.6103(1)(2)–3(a);

(iii) Upon receipt by the Commissioner of Internal Revenue of a general written request, information specified in 26 CFR 420.6103(1)(2)–3(d).

The authority delegated in this paragraph to the Assistant Commissioner and Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) may be redelegated, but not lower than Branch Chiefs of Employee Plans and Actuarial Division, except for Chief, Projects and Miscellaneous Section, Employee Plans Technical Branch. The authority delegated in this paragraph to the Director, Disclosure Operations Division may not be redelegated. The authority delegated in this paragraph to Regional Commissioners may be redelegated not lower than Assistant Regional Commissioner. The authority delegated in this paragraph to District Directors of the Key Districts may be redelegated, but not lower than Chiefs, Technical Staff, Employee Plans and Exempt Organizations Division; Group Managers, Employee Plans and Exempt Organizations Division; and Employee Plans Specialist. The authority delegated in this paragraph to Service Center Directors may be redelegated, but not lower than Section Chiefs (or their equivalent). The authority delegated in this paragraph to the Director, National Computer Center and Director, Data Center may be redelegated, but not lower than Branch Chiefs (or their equivalent).

(11) The Deputy Commissioner; Assistant Commissioner (Employee Plans and Exempt Organizations); and Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) are authorized to disclose or, in specific instances, authorize the disclosure of drafts of proposed exemptions or of proposed denials of exemption requests, denial letters, and copies of information submitted by taxpayers requesting exemptions to the proper officers of the Department of Labor for consultation and coordination as required by IRC 4975(c)(2). The authority delegated in this paragraph may be redelegated not lower than Chief, Projects and Miscellaneous Section, Employee Plans Technical Branch.

(12) Disclosure of information to appropriate Federal, State or local law enforcement officials may be made by Internal Revenue Service employees, and employees of the Office of Chief Counsel, concerning non-tax crimes which do not involve return information or the income or other financial information of an individual or entity, in accordance with the provisions of chapter (35)00 of the Disclosure of Official Information Handbook, IRM 1272. In situations where there is a question at to whether the information to be disclosed is or is not return information, such as those described in IRM 1272, the Assistant Commissioner (Taxpayer Service and Returns Processing) and Deputy Assistant Commissioner (Taxpayer Service and Returns Processing) are authorized to approve or deny such requests for disclosure. The Assistant Commissioner (Taxpayer Service and Returns Processing) and the Deputy Assistant Commissioner (Taxpayer Service and Returns Processing) should act in all such matters only after coordination with the Disclosure Litigation Division, Office of Chief Counsel. The authority delegated in this paragraph may not be redelegated.

(13) The authority vested in the Commissioner of Internal Revenue by 26 CFR 301.9000–1 is delegated by this Order to the Deputy Commissioner and to Regional Commissioners; the Assistant Commissioner (Taxpayer Service and Returns Processing); and the Deputy Assistant Commissioner (Taxpayer Service and Returns processing) to the extent described below:

(a) Regional Commissioners are authorized to determine whether officers and employees of the Internal Revenue Service assigned to their regions, including employees of the Office of the Regional and District Counsel, but not including employees of the Regional Inspector, will be permitted to testify or produce Service records because of a request or demand for the disclosure of such records or information. The Regional Commissioners should act in all such matters only after coordination with the Office of Regional Counsel. The authority delegated in this paragraph may not be redelegated. (See (c), (d), and (e) below). The authority delegated in this paragraph shall not extend to the disclosure of Internal Revenue Service records and information in response to a subpoena or request or other order of the Tax Court. (See General Counsel Order No. 4, 44 FR 36131 (1979), which provides the authority for the disclosure of Internal Revenue Service records and information in tax court proceedings.)

(b) The Assistant Commissioner (Taxpayer Service and Returns Processing) and the Deputy Assistant Commissioner (Taxpayer Service and Returns Processing) are authorized to determine whether officers and employees of the Internal Revenue Service assigned to the National Office, including employees of the Office of Chief Counsel, and employees assigned to Regional Inspectors will be permitted to testify or produce Service records because of a request or demand for the disclosure of such record or information. The Assistant Commissioner (Taxpayer Service and Returns Processing) or the Deputy Assistant Commissioner (Taxpayer Service and Returns Processing) should act in all such matters only after coordination with the Disclosure Litigation Division, Office of Chief Counsel. The authority delegated in this paragraph may not be redelegated. (See (c), (d), and (e) below). The authority delegated in this paragraph shall not extend to the disclosure of Internal Revenue Service record and information in response to a subpoena or request or other order of the Tax Court. (See General Counsel Order No. 4, 44 FR 36131 (1979)).

(c) The Assistant Commissioner (Taxpayer Service and Returns Processing) and the Deputy Assistant Commissioner (Taxpayer Service and Returns Processing) are authorized to determine whether all officers and employees of the Internal Revenue Service, and the Office of Chief Counsel, including those previously described in paragraphs (a) and (b), will be permitted to testify or produce Service records because of a request or demand for the disclosure of such records or information where testimony or production may require disclosure of returns or return information pursuant to IRC 6103(i)(1), (2), (3), and (4). The Assistant Commissioner (Taxpayer Service and Returns Processing) or the Deputy Assistant Commissioner (Taxpayer Service and Returns Processing) should act in all such matters only after coordination with the Disclosure Litigation Division, Office of Chief Counsel. The authority delegated in this paragraph may not be redelegated. (See (d) below).

(d) The authority delegated in paragraphs (a), (b) and (c) shall not extend to testimony or the production of Service records because of request or demand for the disclosure of such records or information:

(i) By a Congressional committee;

(ii) Involving a disclosure to the President or certain other persons pursuant to IRC 6103(g);

(iii) Involving a disclosure to the Comptroller General pursuant to IRC 6103(i)(6); or

(iv) Involving a disclosure to correct a misstatement of fact pursuant to IRC 6103(k)(3).

(e) The authority delegated to Regional Commissioners in paragraph (a) shall not extend to testimony or the production of Service records because of a request or demand for the disclosure of such records or information which may require a disclosure to a competent authority under a tax convention, whether or not such records or information were previously disclosed pursuant to such convention. The Assistant Commissioner (Taxpayer Service and Returns Processing) and the Deputy Assistant Commissioner (Taxpayer Service and Returns Processing) should act in all such matters only after authorization by the Assistant Commissioner (Compliance). The authority delegated to Regional Commissioners in paragraph (a) also shall not extend to testimony or the production of Service records which may require a disclosure of returns or return information pursuant to IRC 6103(i)(1), (2), (3), and (4), unless a disclosure of the same returns or return information has been previously authorized by the Commissioner, or other persons authorized to permit such disclosure under paragraph (6) of this Order. The provisions of this paragraph are limited to the authorization of testimony or the production of documents pursuant to a request or demand as referred to in paragraphs (d)(1)(i) and (ii) of 26 CFR 301.9000–1 and does not extend to or affect other disclosure authority previously delegated in paragraphs (6) and (9) of this Order.

(14) The Deputy Commissioner; Assistant Commissioner (Data Services); Executive Assistant to the Assistant Commissioner (Data Services); Regional Commissioners; Director, Service and Design Division; Director, National Computer Center; and Service Center Directors are authorized to disclose or, in specific instances, authorize the disclosure of individual master file information to the head of a Federal, State or local child support enforcement agency or an authorized supervisory official under a contractual agreement entered into pursuant to Delegation Order 100, as revised, Revenue Procedure 78–10, and subject to the conditions prescribed in IRC 6103(1)(6)(A)(i). Such contractual agreement should be entered into only after coordination with the Director, Disclosure Operations Division. The authority delegated in this paragaraph may not be redelegated.

(15) The Deputy Commissioner; Assistant Commissioner (Taxpayer Service and Returns Processing); Deputy Assistant Commissioner (Taxpayer Service and Returns Processing); Regional Commissioners; and Service Center Directors are authorized to disclose or, in specific instances, authorize the disclosure of return information to the head of a State or local child support enforcement agency or an authorized supervisory official under a contractural agreement entered into pursuant to Delegation Order 100, as revised, Revenue Procedure 78–10, and subject to the conditions prescribed in IRC 6103(1)(6)(A)(ii). Such contractual agreement should be entered into only after coordination with the Director, Disclosure Operations Division. The authority delegated in this paragraph may be redelegated, but not lower than Disclosure Officer.

(16) The Deputy Commissioner; Assistant Commissioner (Taxpayer Service and Returns Processing); Deputy Assistant Commissioner (Taxpayer Service and Returns Processing); Regional Commissioners; Service Center Directors; Director, National Computer Center; and Director, Data Center are authorized to disclose or, in specific instances, authorize the disclosure of information returns filed pursuant to part III of subchapter A of IRC chapter 61 to designated personnel of the Social Security Administration for the purpose of carrying out an effective return processing program in accordance with section 232 of the Social Security Act and pursuant to IRC 6103(1)(5). The authority delegated in this paragraph may not be redelegated.

(17) To the extent that authority previously exercised consistent with this Order may require ratification, it is hereby affirmed and ratified.

(18) This Order supersedes Delegation Order 15 (Rev. 3), issued February 28, 1972; Delegation Order 44, issued November 21, 1956; Delegation Order 70 (Rev. 5), issued July 2, 1978; Delegation Order 101 (Rev. 1), issued Nov. 16, 1978; Delegation Order 151 (Rev. 1), issued December 3, 1975; Delegation Order 156, issued May 19, 1976; Delegation Order 156, Amend. 1, issued May 18, 1977; Delegation Order 156, Amend. 2, issued August 8, 1977; Delegation Order 156, Amend. 3, issued November 28, 1977; Delegation Order 156, Amend. 4, issued April 13, 1978; Delegation Order 156, Amend. 5, issued April 13, 1978; Delegation Order 156, Amend. 6, issued April 26, 1978; Delegation Order 156, Amend. 7, issued April 27, 1978; Delegation Order 156, Amend. 8, issued July 2, 1978; Delegation Order 156, Amend. 9 issued June 13, 1979; and Delegation Order 167, issued June 16, 1977.

Lester Stein,

Acting Chief Counsel.

Jerome Kurtz,

Commissioner.

[FR Doc. 79-23619 Filed 7-31-79; 8:45 am]

BILLING CODE 4830-01-M

[Delegation Order No. 9; Revision 5]

Use of Government Owned or Leased Automobiles; Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: Delegation Order No. 9, Revision 4, delegates authority to specific management officials to designate employees authorized to use goverment-owned or leased automobiles for transportation between their domiciles and places of employment. The text of the delegation order appears below.

EFFECTIVE DATE: August 8, 1979.

FOR FURTHER INFORMATION CONTACT: Alvin H. Weiss, RM:FM:S Room 745 WB, 1111 Constitution Ave., NW., Washington, DC 20224, 202–376–0012 (Not toll-free).

This document does not meet the criteria for significant Regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Richard F. Payne,

Chief, Space and Property Branch.

Date of issue: July 25, 1979.
Effective date: August 8, 1979.

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 101–1, dated December 8, 1978, I hereby delegate authority to designate employees authorized to use government owned or leased automobiles for transportation between their domiciles and places of employment, in accordance with the provisions of 31 U.S.C. 638a, to:

Deputy Commissioner
Assistant Commissioners
Regional Commissioners
District Directors
Regional Inspectors

The authority delegated herein may not be redelegated.

This order supersedes Delegation Order No. 9 (Rev. 4), issued January 29, 1979.

Jerome Kurtz,

Commissioner.

[FR Doc. 79-23620 Filed 7-31-79; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 24, 1979, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in State Area Vocational Technical School, 821 West Louise Avenue, P.O. Box 130, Morristown, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: July 25, 1979.

R. S. Bielak,

Director, VA Regional Office, 110 9th Avenue, South, Nashville, Tenn.

[FR Doc. 79-23715 Filed 7-31-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Thirty-Seventh Revised Exemption No. 12]

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To all railroads:

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" or "XML," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway
Reporting Marks: ATW
Chicago & Illinois Midland Railway Company
Reporting Marks: CIM
Fonda, Johnstown and Gloversville Railroad Company
Reporting Marks: FJG
Hartford and Slocum Railroad Company [1]
Reporting Marks: HS
Hillsdale County Railway Company Inc.
Reporting Marks: HCRC
Maryland and Pennsylvania Railroad Company
Reporting Marks: MPA
Pickens Railroad Company
Reporting Marks: PICK

Effective July 15, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 12, 1979.

Interstate Commerce Commmission.

Joel E. Burns,

Agent.

[FR Doc. 79-23638 Filed 7-31-79; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: July 24, 1979.

In our decision of July 17, 1979, a 7.5 percent surcharge was authorized on all owner-operator and truckload traffic. We ordered that all owner-operators were to receive compensation at this level. As indicated in the prior decision, further upward changes were not contemplated until the Commission's weekly fuel index exceeded this 7.5 percent figure.

The weekly figures set forth in the appendix for transportation performed by owner-operators and truckload traffic is 7.7 percent. However, as stated in our decisions of June 26 and July 17, 1979, we recognize the concerns regarding the possible overstatement of the diesel fuel base price figure, and shipper concerns regarding weekly tariff adjustments. As such, we are authorizing an 8 percent surcharge on all owner-operator and truckload traffic. All owner-operators are to receive compensation at this 8 percent level. As in the past, we will continue to publish the fuel index weekly. Further upward changes in the surcharge are not contemplated until the index exceeds 8 percent.

With regard to the percentage surcharge figure for less-than-truckload (LTL) traffic, no change has been made in recent weeks to the 2.7 percent authorized in our decision of June 26, 1979, despite upward changes in the fuel index. As stated in our decisions of July 3 and July 10, 1979, a joint petition was filed on June 25, 1979 by the National Small Shipments Traffic Conference, Inc. and Drug and Toilet Preparation Traffic Conference, Inc. seeking modification of the LTL percentage surcharge for carriers not utilizing owner-operators. Petitioners allege that the 7.5 percent fuel expense of total revenue figure used to derive the surcharge is too high. By decision of June 29, 1979, the Commission ordered the major motor carrier rate bureaus to submit certain additional information as described in that decision. While we were waiting for this information, the Commission felt no further upward changes in the LTL surcharge should be authorized.

We have reviewed the data submitted by the nine major rate bureaus in accordance with the June 29 decision, and are generally satisfied with the methodology employed. At the December 31, 1978 level, we find that on an average basis the percentage of fuel expense (including taxes) of total operating revenue was 6.0 percent for LTL traffic. We find that this figure should be incorporated in the LTL surcharge determination to be released in today's index, as well as in future weekly indices.

In multiplying the percentage increase of diesel fuel prices from the base date to today by 6.0 pecent, the resulting surcharge for LTL traffic is 2.7 percent.

Notice of this decision shall be given to the general public by mailing a copy of this decision to the Governor of each state and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered: This decision shall become effective 12:01 a.m., July 25, 1979.

[1] Addition.

By the Commission. Chairman O'Neal, Commissioners Stafford, Gresham, Clapp and Christian. Commissioner Clapp absent and not participating in the disposition of this proceeding.

Agatha L. Mergenovich,

Secretary.

July 23, 1979.

Appendix.—Fuel Surcharge

Base Date and Price Per Gallon (Including Tax)

January 1, 1979..... 63.5¢

Date of Current Price Measurement and Price Per Gallon (Including Tax)

July 23, 1979..... 92.5¢

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue

(1)	(2)
From Transportation Performed by Owner Operators (Apply to All Truckload Traffic)	Other (Including Less-Truckload Traffic)
16.9%	6.0% [1]
Percent Surcharge	
7.7%	2.7%

[1] The change from 7.5% to 6.0% is the result of additional input received in accordance with the Commission's Decision of June 29, 1979.

[FR Doc. 79-23661 Filed 7-31-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Applications for Relief

July 26, 1979.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. on or before August 16, 1979.

FSA No. 43721, Southwestern Freight Bureau, Agent's No. B-11, rates on synthetic rubber and rubber compounds, from Bancroft, TX to destinations in Official, Western Trunk Line (including Illinois Rate Committee), and Southern Territories, to become effective August 19, 1979, in Supp. 2 to its Tariff ICC SWFB 4973-A. Grounds for relief—market competition and rate relationship.

FSA No. 43722, Southwestern Freight Bureau, Agent's No. B-16, annual volume rates on butyl alcohol, from South Bay City, TX to Bay City and Midland, MI to become effective August 13, 1979, in Supp. 33 to its Tariff ICC SWFB 4616. Grounds for relief—market competition.

FSA No. 43723, Waterman Steamship Corporation's No. 1, intermodal rates on general commodities, in containers, from rail carrier's terminals at ports in California to ports in Continental Europe, Ireland, Scandinavia, and the United Kingdom by way of New Orleans, LA and Houston, TX, to become effective August 19, 1979, in its Tariff ICC WSSL 302. Grounds for relief—all-water competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-23659 Filed 7-31-79; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order 45-A; Service Order 1344]

Rerouting of Traffic

To all railroads:

Upon further consideration of I.C.C. Order No. 45 (Duluth and Northeastern Railroad Company), and good cause appearing therefor:

It is ordered, I.C.C. Order No. 45 is vacated.

This order shall become effective July 13, 1979, and shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. A copy shall be filed with the Director, Office of the **Federal Register.**

Issued at Washington, D.C., July 13, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79-23660 Filed 7-31-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 2202 (Sub-598TA), filed June 13, 1979. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *Common carrier:* regular route: *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* Serving Graham, TX as an off-route pt. in connection with applicant's present authority, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Grahm Magnetics Inc., U.S. 380, Graham, TX 76046. Southwest Fiber Glass, 500 Burbank Ave., Graham, TX. E.I. Du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 2253 (Sub-97TA), filed May 24, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie, P.O. Box 697, Cherryville, NC 28021. *Steel sheets and coils* from Savannah, GA to Marietta, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Pacesetter Steel Service, Inc., P.O. Box 6865, Marietta, GA 30065. Send protests to: DS, Terrell Price, 800 Briar Creek Rd., Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 2392 (Sub-129TA), filed May 21, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" St., Omaha, NE 68127. Representative: Keith D. Wheeler (same address as above). *Liquid fertilizer, in bulk, in tank trucks,* from Perry, NE to points in KS and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Allied Chemical Corporation,

P.O. Box 2120, Houston, TX 77001. Send Protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 4943 (Sub-37TA), filed June 26, 1979. Applicant: CENTRAL EXPRESS INC., 5601 West Waco Drive, Waco, TX 76703. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768. *General commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment)* between Houston, TX and Freeport, TX, serving no intermediate points and serving all points in the Freeport commercial zone, (1) over Texas Highway 288, and (2) from Houston over Texas Highway 35 to Angleton, then over Texas Highway 288 to junction of Texas Highway 36, then over Texas Highway 36 to Freeport and return over the same route for 180 days. Applicant intends to tack this authority with its existing authority, and will interline with other carriers at Houston, TX. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are nine (9) supporting shippers. Send protests to: Martha A. Powell, Trans. Asst., I.C.C., Room 9A27 Fed. Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 4963 (Sub-72TA), filed June 7, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. and Schuykill Road, Spring City, PA 19475. Representative: William H. Peiffer (same as applicant). *Iron or steel articles, metals, metal products, paper and paper products, lumber, commodities the transportation of which, because of size or weight, require the use of special equipment,* between pts. in the states of NC, AL, GA, KY, MO, TN, and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 29 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 8973 (Sub-59TA), filed May 30, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Plastic products and equipment, materials and supplies used in the manufacture thereof (except in bulk). From Springfield, OH to points in MI, CA, TX, LA, KS, WA, MS, and NH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Group, 4 Landmark Square, Stamford, CT 06901. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 14252 (Sub-67TA), filed May 23, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham (same as applicant). *General commodities (except those of unusual value, Class A and B explosives, Household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between the Plant Site of Westvaco Corp. at or near Covington, VA and pts. in LA, IL, IN, KY, MO, OH, PA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westvaco Corp., Covington, VA 24426. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 14252 (Sub-69TA), filed June 13, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refuge Rd., Columbus, OH 43227. Representative: William C. Buckham (same as applicant). *Common carrier:* regular route: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving Eldorado, IL as an off-route pt. in connecting with carriers presently authorized regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack the authority here applied for to another authority held by it—MC 14252. Supporting shipper(s): Proctor & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 14252 (Sub-70TA), filed June 4, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refuge Rd., Columbus, OH 43227. Representative: William C. Buckham, (same as applicant). *Kitchen cabinets, cabinet parts wood and metal,* between the plant site of Merrillatt Industries, Adrian, MI and Merrillatt Industries, Atkins, VA for 180 days. Supporting Shippers(s): Merrillatt Industries, Adrian, MI. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 30383 (Sub-18TA), filed May 18, 1979. Applicant: JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York, NY 10019. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10019. *Contract carrier,* irregular routes: *Soap, soap products, stearic acid, vegetable stearine, glycerine, oils, cooking fats, cleaning and washing compounds, lard substitutes, toilet preparations, containers and such commodities as are dealt in by retail food stores, (except commodities in bulk),* between New York, NY, Bayonne and Carteret, NJ, on the one hand, and, on the other, all points in the State of CT, under a continuing contract with Procter & Gamble Manufacturing Company, and Proctor & Gamble Distributing Company, for 150 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Proctor & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 32083 (Sub-5TA), filed June 20, 1979. Applicant: DONNIE A. DIXON, INC., Rt. 9, Box 378, Greenville, NC 27834. Representative: Peter A. Greene, 900 17th St. NW, Washington, DC 20006. *Manufactured forest products* from the facilities of Weyerhaeuser Company, Inc. in NC to points in the states of VA, IN, IL, OH, TN, KY, ME, WV, MD, DE, PA, NJ, NY, CT, RI, MA, NH, and VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Weyerhaeuser Company, P.O. Box 787, Plymouth, NC 27962. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd–Rm CC516, Charlotte, NC 28205.

MC 32882 (Sub-114TA), filed May 21, 1979. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister, 3841 N. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Hydraulic Platforms (aerial or scissor type working lifts), 22,000# and under, and parts thereof from the plantsite of Calavar Corp. at/or near Santa Fe Springs, CA to points in AZ, CO, KS, MO, NV and UT for 180 days. A Corresponding ETA has been granted MC 32882 R–26 and a permanent will be filed. Supporting Shippers(s): Calavar Corporation, 9200 Sorenson, Santa Fe Springs, CA. Send protests to: R. V. Dubay, 114 Pioneer Courthouse, Portland, OR 97204.

MC 32882 (Sub-117TA), filed June 5, 1979. Applicant MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister, 3841 N. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. *Lumber,* from the facilities of Edward Hines Lumber Company located at or near St. Anthony, ID to Casper, Cheyenne and Laramie, including the commercial

zones, WY; Arvada, Bayfield, Boulder, Breckenridge, Denver, Fort Morgan, Golden, Lafayette and Littleton, including the commercial zones, CO; Mesa, Phoenix, Scotsdale, Tempe and Tucson, including the commercial zones, AZ; and Albuquerque, Farmington and Hobbs, including the commercial zones, NM for 180 days. A corresponding permanent has been filed and MC 32882 R 28 was granted for 30 plus 2 June 5, 1979. Supporting shipper(s): Edward Hines Lumber Company, 200 S. Michigan Ave., Chicago, IL 60604. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 35882 (Sub-2TA), filed May 22, 1979. Applicant BRANDER BUS LINES, INC., 20 Slater Street, Rehoboth, MA 02769. Representative: James A. Donnelly, Jr., Seven North Main Street, Fall River, MA 02722. *Passenger and their baggage—special and charter operations,* beginning and ending in the communities located in Bristol and Newport Counties, RI, and the following communities in Bristol County, MA: Fall River, Somerset, Westport, Dartmouth, New Bedford, Fairhaven and Acushnet, MA, and extending to all points in the United States (except HI and AK), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 34 statements of support which may be examined at the office listed below and Headquarters. Send protests to: Gerald H. Curry, DS, ICC, 24 Weybosset St., Room 102, Providence, RI 02903.

MC 43963 (Sub-18TA), filed May 16, 1979. Applicant: CHIEF TRUCK LINES, 1479 Ripley Street, Lake Station, IN 46405. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, Illinois 60602. *Metal and metal articles,* from Chicago, IL and its commercial zone to points in MN for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Alumox Mill Products, Inc., 5555 East Hwy. No. 6, Morris, IL 60450. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 47583 (Sub-102TA), filed June 23, 1979. Applicant TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: As above. *Borate (except in bulk)* from San Francisco, CA, to points and places in OK and TX. Supporting shipper(s): Metro-Chem, Inc., 1509 E. Freeport, Broken Arrow, OK 74012. Send protests to: Vernon V. Coble, D/S, ICC, 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 47583 (Sub-103TA), filed June 28, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. *Chemicals,* in bags and drums (except in bulk) from the facilities of Vulcan Material Company located at or near Wichita, KS, to all points and places in the U.S. (except AK and HI), for 180 days. Supporting shipper(s): Vulcan Material Company, P.O. Box 12283, Wichita, KS 67277. Send protests to: Vernon V. Coble, D/S, Interstate Commerce Commission, Room 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 64932 (Sub-602TA), filed May 29, 1979. Applicant: ROGERS CARTAGE COMPANY, 10735 South Cicero Ave., Oak Lawn, IL 60453. Representative: William F. Farrell (same address as applicant). *Ammoniated fatty acids, fatty acids; plasticizer; glycerine; fatty alcohol; fatty acid esters, in bulk, in tank vehicles,* from the plant-site of Sherex Chemical Company at Janesville, WI, to points located east of U.S. Route 85 and on thereof for 180 days. Supporting shipper(s): Sherex Chemical Company, 5200 Blazer Parkway, Dublin, OH 43017. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 66462 (Sub-21TA), filed April 11, 1979. Applicant: THE WILLETT COMPANY, 700 S. Desplaines St., Chicago, IL 60607. Representative: Thomas E. Bedich (same address as applicant). *Petroleum and petroleum products, in packages,* from the facilities of Mobil Oil Corp. at Cicero, IL to points in IN, IA, MI, MN, OH and WI, for 180 days. Supporting shipper(s): Mobil Oil Corporation, 8350 N. Central Expressway, #522, Dallas, TX 75206. Send protests to: Annie Booker, TA, ICC, 1386 Everett Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 80443 (Sub-24TA), filed June 12, 1979. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein/David Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Lumber and lumber products* from (1) Arcata, CA to Anoka, Detroit Lakes, Lake Elmo, Minneapolis and its commercial zone, Moorhead, Rochester, and St. Cloud, MN, Bismarck, Fargo and Minot, ND, Antigo, Chippewa Falls, Hatley, Merrill, St. Croix and Sheboygan, WI; (2) Cloverdale and Samoa, CA to Anoka, Detroit Lakes, Lake Elmo, Moorhead, Rochester and St. Cloud, MN, Bismarck, Fargo and Minot, ND, Antigo, Chippewa Falls, Eau Claire, Hatley, Merrill, St. Croix and Sheboygan, WI; (3) Eureka and Fort Bragg, CA to Anoka, Detroit Lakes, Lake Elmo, Minneapolis and its commercial zone, Moorhead, Rochester and St. Cloud, MN, Bismarck, Fargo and Minot, ND, Antigo, Chippewa Falls, Eau Claire, Hatley, Merrill, St. Croix and Sheboygan, WI; (4) Scotia, CA to Anoka, Detroit Lakes, Lake Elmo, Minneapolis and its commercial zone, Moorhead, Rochester and St. Cloud, MN, Bismarck and Minot, ND, Antigo, Chippewa Falls, Eau Claire, Hatley, Merrill, St. Croix and Sheboygan, WI; and (5) Willits, CA to Anoka, Detroit Lakes, Minneapolis and its commercial zone, Moorhead, Rochester and St. Cloud, MN, Bismarck, Fargo and Minot, ND, Antigo, Chippewa Falls, Eau Claire, Hatley, Merrill, St. Croix and Sheboygan, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Canton Lumber Sales Co., Canton Redwood Sales Co., and Canton Redwood Yard, Inc., 9110 83rd Avenue North, Minneapolis, MN 55445. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 82492 (Sub-245TA), filed June 4, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as above). *Frozen foodstuffs,* between Indianapolis, IN, on the one hand, and, on the other, points in IA, KS, MI, MN, MO, NE, OH, PA, WI. Restriction: Restricted to shipments originating at or destined to the facilities of Monument Distribution Warehouse, Inc., Indianapolis, IN for 180 days. Supporting shipper(s): Monument Distribution Warehouse, Inc., 3320 S. Arlington Ave., Indianapolis, IN 46203. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.

MC 99493 (Sub-8TA), filed June 8, 1979. Applicant: CENTRAL STORAGE & TRANSFER CO. OF HARRISBURG, P.O. Box 2821, Harrisburg, PA 17105. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. *Chemicals (except in bulk),* between the facilities of Cello Chemical Co. at or near Havre de Grace, MD, on the one hand, and, on the other, points in the Counties of Adams, Berks, Blair, Bucks, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon,

Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northcumberland, Perry, Philadelphia, Schuylkill, Snyder, Union, Wyoming, and York, PA, for 180 days. Supporting shippper(s): Transportation Bureau of Baltimore, Inc., representing Cello Chemical Co., 1354 Old Post Road, Havre de Grace, MD 21078. Send protests to: I.C.C., Federal Reserve Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 103993 (Sub-972TA), filed May 23, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda, 28651 U.S. 20 West, Elkhart, IN 46515. *Materials, equipment and supplies used in the manufacture, sale and distribution of metal buildings and metal building parts (except commodities in bulk),* from points in the United States in and east of the States of ND, SD, NE, KS, OK, and TX to the facilites of Star Manufacturing at or near Homer City, PA for 180 days. Supporting shipper(s): Star Manufacturing Co., P.O. Box 94910, Oklahoma City, OK 73109, and Jones and Laughlin Steel Corporation, 1600 West Carson Street, Pittsburgh, PA 15263. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 103993 (Sub-973TA), filed April 23, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda, (same address as applicant). *Motor vehicles* from the facilities of Holiday Rambler Corporation at or near Sweetwater, TX to points in the United States (except AK and HI) for 180 days. Supporting shipper: Holiday Rambler Corporation, 65528 State Road 19, Wakarusa, IN. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429 Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 103993 (Sub-974TA), filed June 5, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). (1) *Iron and steel articles,* from the plantsite of Stanley Steel Service Corp., at or near Buffalo, NY to points in the United States in and east of the states of ND, SD, NE, KS, OK, and TX and (2) *materials, equipment and supplies used in the manufacture, sale and distribution of iron and steel articles (except commodities in bulk),* from points in the United States in and east of the states of ND, SD, NE, KS, OK, and TX to the plantsite of Stanley Steel Service Corp., at or near Buffalo, NY for 180 days. Supporting shipper: Stanley Steel Service Corp., P.O. Box 236, Buffalo, NY 14240. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204, for 180 days. An underlying ETA seeks 90 days authority.

MC 105733 (Sub-73TA), filed June 25, 1979. Applicant: RITTER TRANSPORTATION, INC., 928 East Hazlewood Avenue, Rahway, NJ 07065. Representative: A. R. Jeltes, 928 East Hazlewood Avenue, Rahway, NJ 07065. *Liquid Amorphous Polypropylene,* in bulk, in shipper owned tank vehicles from Neal, WV to Sayreville, NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Essex Chemical Corporation, 1401 Broad Street, Clifton NJ 07015. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 105902 (Sub-23TA), filed March 8, 1979, and previously published in the **Federal Register** on April 24, 1979. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, P.O. Box 396, Penn Yan, NY 14527. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312, Phone: (703) 750–1112. *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 points in Chicago, IL. (Restricted to the transportation of shipments having an immediately prior or an immediately subsequent movement by rail.) for 180 days. Underlying ETA for 30+2 has been filed. Applicant intends to interline at Chicago, IL. The purpose of this republication is to reflect interlining. Supporting shipper(s): There are eight (8) shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Bldg., 100 South Clinton St., Rm. 1259, Syracuse, N.Y. 13260.

MC 106223 (Sub-72 TA), filed June 21, 1979. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Rd., Ashtabula, OH 44004. Representative: Richard R. Higley (same address as applicant). *Titanium tetrachloride, in bulk, in tank vehicles,* from Ashtabula, OH to Longview, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stauffer Chemical Company, Westport, CT 06880. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 106223 (Sub-73TA), filed June 26, 1979. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Road, Ashtabula, OH 44004. Representative: Richard R. Higley (same address as applicant). *Titanium tetrachloride,* in bulk, in tank vehicles, from Ashtabula, OH to Cedar Bayou (Houston), TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stauffer Chemical Co., Westport, CT 06880. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 107103 (Sub-19TA), filed June 29, 1979. Applicant: ROBINSON CARTAGE CO., 2712 Chicago Drive SW., Grand Rapids, MI 49509. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226. *Iron and Steel Articles;* from the facilities utilized by Acme Roll Forming Company, at or near Sebewaing, MI to points in IA, IL, IN, OH, St. Louis, MO, Warrenton, MO and Pittsburgh, PA. For 180 days. Supporting shipper(s): Acme Roll Forming Company, 812 North Beck, Sebewaing, MI 48759. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 107162 (Sub-52TA), filed March 5, 1979. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route No. 1, Brimley, MI 49715. Representative: John Duncan Varda, 121 South Pinckney Street, Madison, WI 53703. *Iron and steel articles,* from the port of entry on the United States-Canada boundary line at or near Sault Ste. Marie, MI, and (2) *steel casings, pipe and tubing,* from the facilities of Algoma Tube Corporation at or near Dafter, MI, to points in the United States (except Alaska and Hawaii) and (B) equipment, materials and supplies, used or useful in the manufacture of commodities named in (A) from points in the United States (except Alaska and Hawaii) to the origins in (A) above for 180 days. Supporting shipper(s): Algoma Steel Corporation, Ltd., Administration Bldg., Queens Street West, Sault Ste. Marie, Ontario, P6A5P2. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 107403 (Sub-1227TA), filed February 14, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Asphalt,* in bulk, in tank vehicles, from Lima, Ohio to Ennis, TX and Pryor, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Polyguard Products, Inc., P.O.B. 755,

Ennis, TX 75119. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 107403 (Sub-1231TA), filed June 8, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Petroleum products, in bulk, in tank vehicles,* from Shreveport, LA to pts. in the US (except AK and HI), for 180 days. Supporting shipper(s): Atlas Processing Co., P.O. Box 2967, Pennzoil Place, Houston, TX 77001. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107403(Sub-1232TA), filed June 11, 1979. Applicant: MATLACK, INC., 10 Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Petroleum lubricating oils and hydraulic systems fluids, in bulk, in tank vehicles,* from Carrollton, GA to pts. in the US east of the Mississippi River, except pts. in AL, FL, MS, NC, SC, TN, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. F. Houghton & Co., P.O. Box 860, Carrollton, GA 30117. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th, Rm. 620, Philadelphia, PA 19106.

MC 110012 (Sub-55TA), filed July 3, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 N. Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004. *Canned and preserved foodstuffs,* from the facilities of Heinz USA at or near Holland, MI; Fremont and Toledo, OH and Pittsburgh, PA, to points in AL on and north of Hwy 78; to points in GA on and north of Hwy 78; and to points in NC, SC and TN; and from the facilities of Heinz USA at or near Iowa City and Muscatine, IA to Heinz Facility at Greenville, SC. Restricted to traffic originating at or destined to the facilities of Heinz USA. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Glenda Kuss, TA, ICC, A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 110683 (Sub-143TA), filed April 30, 1979. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. *General Commodities* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Lancaster, PA, and Philadelphia, PA, over US Hwy 30 serving all intermediate points and serving points in Berks, Chester, and Lancaster Counties as off route points in connection with regular routes, for 180 days. Supporting shipper(s): There are 67 supporting statements to this application which may be viewed at the ICC, Washington, DC or the field office listed below. Send protests to: Charles F. Myers, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

Note.—No duplicating authority sought.

MC 110683 (Sub-144TA), filed April 30, 1979. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, 1000 Sixteenth Street N.W., Washington, D.C. 20036. *Common–regular. General commodities,* except those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, serving points in Hamilton County, IN, as off route points in connection with applicant's regular routes, for 180 days. Supporting Shipper(s): There are 11 supporting statements to this application which may be viewed at the ICC, Washington, DC or the below listed field office. Send protests to: Charles F. Myers, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 110683 (Sub-145TA), filed May 23, 1979. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, 1000 Sixteenth Street N.W., Washington, D.C. 20036. *Common–regular. General commodities,* except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Canajoharie NY as an off-route point in connection with carrier's regular routes, for 180 days. Supporting Shipper(s): Life Savers, Inc., Church Street, Canajoharie, NY 13317, Beech-nut Foods Corporation, Two Church St., Canajoharie, NY 13317. Send protests to: Charles F. Myers, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 110683 (Sub-146TA), filed May 23, 1979. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, 1000 Sixteenth Street N.W., Washington, D.C. 20036. *Common–irregular. General commodities,* except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Birmingham, AL, and points within 15 miles thereof on the one hand, and, Tuscumbia and Sheffield, AL, on the other hand, for 180 days. Supporting Shipper(s): There are 20 statements of support to this application which may be examined at the ICC, Washington, DC or the field office named below. Send protests to: Charles F. Myers, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

Mc 111812 (Sub-650TA), filed June 4, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brqndsma (same address as applicants). *Printed matter, materials, supplies and equipment* used in the manufacture and production of printed matter, between the facilities of Brown Printing Co. located at or near Waseca, MN, on the one hand, and, on the other, Franklin, KY for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Brown Printing Co., West Highway 14, Waseca, MN 56093. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 112713 (Sub-277TA), filed June 14, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Ave., P.O. Box 7270, Overland Park, KS 66207 Representative: John M. Records, 10990 Roe Ave., P.O. Box 7270, Overland Park, KS 66207. *Meats, meat products, and articles distributed by meat packinghouses as described in Sections A, C & D 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),* between the facilities of Armour and Company at Mason City, IA and of Lauridsen Foods, Inc. at or near Britt, IA, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, CT, DC, DE, FL, GA, IL, IN, KS, SY, LA, MA, MD, ME, MI, MO, MN, MS, NC, NE, EH, NJ, NM, NV, NY, OH, OK, PA, RI, SC, TN, TX, UT, VA, WI, WV, and WY. Restriction: Restricted to traffic originating at or destined to the named facilities. For 180 days. Supporting shippers(s): Armour and Company, Greyhound Tower, Phoenix, AZ 85077. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 112713 (Sub-278TA), filed June 29, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Ave., P.O. Box 7270, Overland Park, KS 66207. Representative: Robert E. DeLand (same

as above), *General commodities, except Classes A & B explosives, commodities in bulk, commodities of unusual value, those requiring special equipment and household goods as defined by the Commission,* serving the facilities of Gould, Inc. at Atlantic, IA as an off-route point in connection with carrier's otherwise authorized operations. Supporting shippers(s): Gould, Inc. Engine Parts Division, 17000 St. Clair Ave., Cleveland, OH 44110. Send protests to: John V. Barry, D/S, ICC, Room 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 112963 (Sub-86TA), filed June 15, 1979. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Representative: Leonard E. Murphy (same address as applicant). *Common carrier:* Irregular routes: *ceramic roofing granules, dry, in bulk, in enclosed dump vehicles.* From Belle Mead and Bound Brook, NJ to Waltham, MA, for 180 days. Supporting shippers(s): Owens-Corning Fiberglass, Waltham, MA 02154. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 112963 (Sub-87TA), filed June 29, 1979. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Representative: Leonard E. Murphy (same address as applicant). *Common carrier: irregular routes: polyvinyl chloride resins, dry, in bulk, in tank vehicles* from New Bedford, MA to points in Ohio for 180 days. Supporting shippers(s): Imex Polymers, Inc., 54 Middlesex Turnpike, Bedford, MA 01730. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 113362 (Sub-357TA), filed May 30, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 55912. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Meats packinghouse products, (except hides and commoditites in bulk)* from the facilities of Briggs & Co., a subsidiary of Wilson Foods Corp., located at Landover, MD to points in IA, KS, MN, MO, NE and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 113362 (Sub-359TA), filed June 28, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Commodities dealt in or used by automotive supply and household appliance stores to or from the facilities of Western Auto Supply Co. (except commoditites in bulk)* between points in the US in and east of MN, IA, NE, KS, OK and TX for 180 days. Supporting shipper(s): Western Auto Supply Co., 2107 Grande Ave., Kansas City, MO 64108. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 113843 (Sub-262TA), filed June 6, 1979. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, MA 02210. Representative: Lawrence T. Sheils (same address as applicant). Common carrier: irregular routes: *frozen boxed meat* from (a) Mt. Airy, MD and Philadelphia, PA to: points in CT, KS, KY, IL, IN, IA, MA, ME, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VT, WI and DC (b) from: Wilmington, DE to KS, KY, IL, IN, IA, MI, MN, MO, NE, NJ, OH, WI for 180 days. Supporting shipper(s): A. J. Cunningham Packing Co., 1776 Heritage Drive, Quincy, MA 02169. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 114273 (Sub-614TA), filed June 25, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same as applicant). *Plastic articles* from Louisiana, MO to Cedar Rapids, IA and Toledo, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114552 (Sub-213TA), filed May 15, 1979. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. *Building materials (except in bulk)* from facilities of United States Gypsum Company at Morrow and Chamblee, GA to AL, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Gypsum Company, 55 Perimeter Center East, Atlanta, GA 30346. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 114552 (Sub-214TA), filed May 16, 1979. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. *Iron and steel articles,* from facilities of Kline Iron & Steel Company, at or near Columbia, SC to points in OH and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kline Iron & Steel Company, P.O. Box 1013, Columbia, SC 29202. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 114552 (Sub-218TA), filed June 15, 1979. Applicant: SENN TRUCKING COMPANY, P.O. Box 220, Newberry, SC 29108. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. (1) *Boards, composition board, lumber, plywood, gypsum wallboard, poles and posts, and* (2) *Materials and supplies used in the installation, manufacture and distribution of commodities in (1) above (except commodities in bulk, in tank vehicles,* between all points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Restricted to traffic originating at or destined to the facilities used by the Weyerhaeuser Company, for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper(s): Weyerhaeuser Company, Tacoma, WA 98401. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 114632 (Sub-232TA), filed May 31, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant's). *Petroleum products, in containers,* from the facilities of Pennzoil Co. located at Rouseville, PA and Reno, PA to points in IN, IL, IA, MI, MO, MN, NE, ND, SD, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pennzoil Co., P.O. Box 808, Oil City, PA 16301. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 114632 (Sub-233TA), filed June 7, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant's). *Such commodities as are dealt in by retail and wholesale grocery and drug stores* (except commodities in bulk) between the facilities of or used by the Procter & Gamble Distributing Company at or near Cincinnati, OH on the one hand, and points in PA, NY, NJ, MD, MA, and WV, on the other, for 180 days. Supporting shipper(s): The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201, William P. Edmund III, Traffic Analyst. Send protests to: J. L. Hammond, DS, ICC,

Room 455, Federal Bldg., Pierre, SD 57501.

MC 114632 (Sub-242TA), filed June 12, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant's). *Frozen foodstuffs,* between Indianapolis, IN, on the one hand, and, on the other, points in CO, CT, DE, ID, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, MT, NE, NH, NJ, NY, ND, OH, PA, RI, SD, TN, UT, VT, VA, WV, WI, WY, and DC, restricted to shipments originating at or destined to the facilities of Monument Distribution Warehouse, Inc., Indianapolis, IN for 180 days. Supporting shipper(s): Monument Distribution Warehouse, Inc., 3320 S. Arlington Ave., Indianapolis, IN 46203, Melvin M. Hadley, President. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 114632 (Sub-243TA), filed July 3, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant's). *Such commodities as are dealt in by retail department stores* from the facilities of Target Stores, located at Fridley, MN to the facilities of Target Stores located in CO, IL, IA, MO, NE, OK, TX and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Target Stores (Div. of Dayton-Hudson Corp.), 7120 Hwy 65 NE, Fridley, MN 55432. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 114632 (Sub-244TA), filed July 3, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant's). *Carbon, charcoal, charcoal briquets, hickory chips, carbon wood products, fireplace logs, compressed sawdust, lighter fluid, grills, grill liners and related barbecue supplies,* from the facilities of Husky Industries, Inc. at Dickinson, ND and Isanti, MN to points in AZ, CA, CO, ID, SD, NM, NE, IA, WI, WY and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center, Atlanta, GA 30346. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 115162 (Sub-490TA), filed June 14, 1979. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate, Registered Practitioner (address same as applicant). *Boards, composition board, lumber, plywood, gypsum wallboard, poles and posts, and materials and supplies used in the installation, manufacture and distribution thereof* except commodities in bulk in tank vehicles), between points in and east of the states of ND, SD, NE, KS, OK and TX, restricted to traffic originating at or destined to facilities used by Weyerhaeuser Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Company, Tacoma, WA 98401. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 115162 (Sub-491TA), filed June 15, 1979. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate, (address same as applicant). *Television sets, radios, phonographs, stereo systems, recorders and players, speaker systems, audio equipment, and accessories and component parts for the above set forth commodities,* from the facilities of RCA Corporation located at Bloomington and Indianapolis, IN to points in the states of AL, FL, GA, LA, MS, and TX, for 180 days. Supporting shipper(s): RCA Corporation, Building 204–2, Route 38, Cherry Hill, NJ 08358. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 115162 (Sub-492TA), filed June 28, 1979. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate, (P.O. address same as above). *(1) Plastic pipe, Plastic tubing, plastic fittings, and accessories used in the installation thereof,* from the facilities of Phillips Driscopipe, Inc. at or near Startex, SC to points in the United States in and east of the states of LA AR, TN, KY, IL and MI; and *(2) Materials and supplies used in the manufacture and distribution of plastic pipe, plastic tubing, and plastic fittings* (except commodities in bulk, in tank vehicles) from points in the US in and east of the states of LA, AR, TN, KY, IL and MI to the facilities of Phillips Driscopipe, Inc., at or near Startex, SC. Supporting shipper(s): Phillips Petroleum Company, 153 Phillips Building Annex, Bartlesville, OK 74004. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 115322 (Sub-187TA), filed May 30, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 1077, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. *(1) Malt Beverages and related advertising materials, and (2) Empty malt beverage containers and shipper owned pallets;* (1) from Latrobe, PA to points in FL, and (2) from points in FL to Latrobe, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Latrobe Brewing Company, P.O. Box 350, Latrobe, PA 15650. Send protests to: G. H. Fauss, DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115322 (Sub-189TA), filed June 8, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 S. Orange Avenue, Taft, FL 32809. Representative: Warren P. Kurtz (same as applicant). *Foodstuffs,* from Wilson, NC, to points in VA, DC, DE, MD, PA, NJ, NY, CT, RI, MA, NH, VT, ME, SC, GA, FL, AL, TN, LA, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bruce Foods Corporation, P.O. Drawer 1030, New Iberia, LA 70560. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115322 (Sub-190TA), filed June 15, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 South Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: Warren P. Kurtz (same as applicant). *Bananas and other fruits which are otherwise exempt from economic regulations,* from Portsmouth, VA, to points in PA, MD, DC, DE, NY, NJ, CT, RI, MA, NH, VT, ME, NC, SC, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Best Banana Company, P.O. Box 407, Flushing, NY 11352. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 116763 (Sub-532TA), filed May 9, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Such commodities as are used, distributed, manufactured, processed or dealt in by wholesalers, distributors, retailers, manufacturers or processors of rubber products (except in bulk, in tank vehicles)* from Barberton, OH to the facilities of Wagner Products Div. located at or near Hustisford, WI. Restricted to traffic originating at the named origin and destined to the named destination for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wagner Products Div., 331 Riverview Dr., Hustisford, WI 53034. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 116763 (Sub-533TA), filed June 13, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative:

Gary J. Jira (same as applicant). *Foodstuff* (except commodities in bulk, in tank vehicles), from Mobile, AL and Philadelphia, PA, to points in DE, GA, IA, IL, IN, MD, MN, MO, OH, PA, and WI, for 180 days. Restricted to traffic originating at the named origins and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sampco, Inc., 221 N. LaSalle St., Chicago, IL 60601. Send protests to: D/S, I.C.C., 101 N. 7th St., Philadelphia, PA 19106.

MC 116763 (Sub-534TA), filed June 14, 1979. Applicant CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Containers and container ends, tips and covers* from the facilities of Container Corporation of America located at or near Piqua, OH to points in OK and TX, for 180 days. Restricted to traffic originating at the named origin and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Container Corporation of America, 500 E. North Avenue, Carol Stream, IL 60187.

MC 116763 (Sub-535TA), filed June 8, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Malt beverages, malt syrups, and related advertising materials, beverage containers* (except commodities in bulk, in tank vehicles), from counties of Oswego and Onandaga, NY to points in ME, MA, NH, and VT, for 180 days. Restricted to traffic originating at the named origins and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miller Brewing Co., 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: D/S, ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 116763 (Sub-536TA), filed June 8, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Candy, confectionery, and candy and confectionery products* (except commodities in bulk, in tank vehicles), from St. Louis, MO to points in CT, DE, IA, IL, IN, MA, MD, ME, MI, MN, OH, PA, NJ, NH, NY, RI, VA, VT, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Switzer Candy Co., Division Beatrice Foods Corp., 1600 N. Broadway, St. Louis, MO 63102. Send protests to: D/S, ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 116763 (Sub-537TA), filed June 11, 1979. Applicant CARL SUBLER TRUCKING, INC., P.O. Box 81, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, and filters* (except commodities in bulk, in tank vehicles), from the facilities of Quaker State Oil Refining Corporation, at or near Farmers Valley and Emlenton, PA and Congo and St. Marys, WV to points in the United States in and west of MN, IA, MO, OK, and TX, for 180 days. Restricted to traffic originating at the above named origins and destined to the above destinations. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: D/S, ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 118142 (Sub-222TA), filed May 10, 1979. Applicant: M. BRUENGER & CO., INC., 6250 No. Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202. *Foodstuffs*, from facilities of TreeSweet Products Company, at or near Fort Pierce, FL, to points in AR, CT, KS, MI, MN, MS, MO, NH, NY & TX (restricted against the transportation of commodities in bulk); 180 days, common, irregular; permanent application filed simultaneously. Supporting shipper: TreeSweet Products, Co., Santa Ana, CA. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 118142 (Sub-228TA), filed April 18, 1979. Applicant: M. BRUENGER & CO., INC., 6250 No. Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza, Wichita, KS 67202. *Bananas and agricultural commodities* otherwise exempt from regulation under Section 203(b)(3) of the Interstate Commerce Act when moving in mixed loads with bananas, from Tampa, FL, to points in GA, IL, IN, IA, KS, KY, MI, MN, MO, NE, NC, OH, SC, TN & WI; common, irregular, 180 days. Supporting shippper: Del Monte Banana Company, Miami, FL. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. An underlying ETA seeks 90 days authority.

MC 118142 (Sub-230TA), filed June 5, 1979. Applicant: M. BRUENGER & CO., INC., 6250 No. Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. *Bananas, and agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. Sec. 10526(a)(6) (1978), in mixed loads with bananas, from the facilities of Del Monte Banana Company at Port Hueneme, CA to points and places in the states of AZ, CO, IA, ID, KS, MO, MT, NE, ND, NM, OR, SD, TX, UP, WA, & WY. Restricted to the transportation of traffic having a prior movement by maritime carrier; for 180 days, common, irregular. Supporting shipper: Del Monte Banana Company, P.O. Box 1940, Miami, FL 33101. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 118202 (Sub-125TA), filed June 25, 1979. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge Street, P.O. Box 406, Winona, MN 55987. Representative: Thomas J. Beener, One World Trade Center, Suite 4959, New York, NY 10048. *Foodstuffs, except in bulk*, from the plantsite of Duffy-Mott Co., Inc. at Hamlin, Holley and Williamson, NY to points in IL, IN, MI, MN, MO, WI, SD, and ND, for 180 days. Supporting shipper(s): Duffy-Mott Co., Inc., 370 Lexington Avenue, New York, NY 10017. Send protests to: District Supervisor, ICC, 414 Federal Building, U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 118202 (Sub-126TA), filed June 28, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. *Frozen foodstuffs* between Indianapolis, IN, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, SD, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI and DC, restricted to shipments originating at or destined to the facilities of Monument Distribution Warehouse, Inc., Indianapolis, IN, for 180 days. Supporting shipper(s): Monument Distribution Warehouse, Inc., 3320 South Arlington Avenue, Indianapolis, IN 56203. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 119493 (Sub-304TA), filed June 5, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as applicant). *Lumber*, from KS and MO to AL, AR, GA, KY, LA, MS, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Char/Ray Sawmill, R.R. No. 1, Eldorado Springs, MO 64744. Send protests to: DS John V. Barry, ICC, 600 Federal Bldg., 911 Walnut, Kansas City, MO 64106

MC 134289 (Sub-6TA), filed May 15, 1979, and published in the **Federal**

Register issue of June 26, 1979, and republished as corrected this issue. Applicant: CALDWELL TRUCK RENTALS, INC., 625 South Boulevard, Lenoir, NC 28645. Representative: Jack L. Hawn (same as above). *New furniture, crated or uncrated, and new furniture parts,* from points on the west of US Hwy 301, in NC to VA, MD, PA, NJ, NY, DC, DE, RI, MA, CT, VT, ME, NH, WV, OH and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 30 shippers. Their statements may be examined at the office below or Headquarters. Send protests to: Terrell Price, 800 Briar Creek Road, Room CC516, Charlotte, NC 28205. The purpose of this republication is to show the correct scope of the application as previously published.

MC 145579 (Sub-1TA), filed January 29, 1979, and published in the **Federal Register** issue of March 7, 1979, and republished as corrected this issue. Applicant: D. IRVIN TRANSPORT, LIMITED, 3020 52nd Street, S.E., Calgary, AB, Canada T2G 2A7. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. *Lumber, lumber products and wood products,* from points in FL, LA, MS, AL, AR, GA, TN, SC, NC, VA, KY, PA, OH, IN, IL, MO, CA, WA, OR, MT, TX and ID, to ports of entry on the International Boundary Line between the United States and Canada located in and west of MN, for furtherance to points in Alberta, Canada, in foreign commerce only, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McLean Lumber Sales Ltd. and Delta Pacific Lumber Company, Ltd., 5011 Macleod Trail, Calgary, AB, Canada. Elwood Distributors, 3640–7th Street, SE, Calgary, AB, Canada. Send protests to: Paul J. Labane, ICC, 2602 First Avenue North, Billings MT 59101. The purpose of this republication is to show complete scope of the application as previously omitted.

MC 146258 (Sub-7TA), filed April 11, 1979, and published in the **Federal Register** issue of June 7, 1979, and republished as corrected this issue. Applicant: M. R. BRUTON, INC., P.O. Box 547, Cuba, MO 65453. Representative: Stephen H. Loeb, Suite 200, 205 W. Toughy Avenue, Park Ridge, IL 60068. *Iron and steel articles* (except commodities in bulk), from St. Louis, MO and points in its commercial zone to points in AZ, AR, CA, LA, NM, OK, and TX, restricted to the transportation of traffic for the account of LaBarge, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): LaBarge, Inc., Tubular Div., 20 S. 4th Street, St. Louis, MO 63102. Send protests to: P. E. Binder, ICC, Room 1465, 210 N. 12th Street, St. Louis, MO 63101. The purpose of this republication is to show the correct scope of the application as previously published.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-23657 Filed 7-31-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 149
Wednesday, August 1, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., August 10, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1525–79 Filed 7–30–79; 10:04 am]

BILLING CODE 6351–01–M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, August 1, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting following the Open Meeting.

CHANGES IN THE MEETING:

Agenda, Item No., and Subject

General—2—WNCN Listeners Guild v. FCC No. 76–1692 (D.C. Cir. 1979) (entertainment format case) (petition for certiorari).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632–7260.

Issued: July 27, 1979.

[S–1528–79 Filed 7–30–79; 3:36 pm]

BILLING CODE 6712–01–M

3

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: August 3, 1979, 10 a.m.

PLACE: 825 North Capitol Street N.E., Washington, D.C. 20426, Room 9306.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Initiation of Civil Action.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Acting Secretary, telephone (202) 275–4166.

[S–1526–79 Filed 7–30–79; 10:47 am]

BILLING CODE 6450–01–M

4

July 30, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., August 3, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission will act on the following cases:

1. Island Creek Coal Company, PIKE 79–18.

2. Climax Molybdenum Company, DENV 79–3–PM, etc.

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on these items and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFO: Jean Ellen, 202–653–5632.

[S–1527–79 Filed 7–30–79; 1:17 pm]

BILLING CODE 6820–12–M

5

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 44643, July 30, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Wednesday, August 1, 1979, 9 a.m. [NM–79–24]

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires that the time of this meeting be changed to: 10 a.m., Thursday, August 2, 1979.

The agenda remains the same as previously published.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–472–6022.

July 30, 1979.

[S–1529–79 Filed 7–30–79; 3:47 pm]

BILLING CODE 4910–58–M

6

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 44644, July 30, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, August 2, 1979, 9 a.m. [NM–79–25]

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires that the time of this meeting be changed to: 9 a.m., Friday, August 3, 1979.

The agenda remains the same as previously published.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–472–6022.

July 30, 1979.

[S–1530–79 Filed 7–30–79; 3:47 pm]

BILLING CODE 4910–58–M

federal register

Wednesday
August 1, 1979

Part II

Department of Justice

Civil Rights Division

Semiannual Agenda of Regulations

DEPARTMENT OF JUSTICE

Civil Rights Division

[28 CFR Ch. I]

Semiannual Agenda of Regulations

AGENCY: Civil Rights Division, Department of Justice

ACTION: Semiannual agenda of regulations.

SUMMARY: The Civil Rights Division is publishing its semiannual agenda of regulations under Executive Order 12044.

FOR FURTHER INFORMATION CONTACT: For information regarding individual regulations, contact the individual identified as the knowledgeable official.

Semiannual Agenda of Regulations

Nondiscrimination Based on Handicap in Federally Assisted Programs—Implementation of Section 504 of the Rehabilitation Act of 1973 and Executive Order 11914

Discussion of the Regulation

The regulation will establish standards to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from the Department of Justice. It will define and prohibit acts of discrimination against qualified handicapped persons in employment and as beneficiaries of programs and activities receiving assistance from the Department. Covered programs and activities will include those administered by state and local units of the criminal justice system receiving grants and Federal assistance contracts from the Law Enforcement Assistance Administration (*e.g.*, police departments, prisons, courts), training programs and laboratory facilities provided by the Federal Bureau of Investigation and the Drug Enforcement Administration, training programs provided by the Bureau of Prisons through its National Institute of Corrections, and grants provided to states by the Department of Justice for antitrust enforcement. Procurement contracts and contracts of insurance of guaranty are not considered Federal financial assistance within the meaning of § 504 of the Rehabilitation Act.

This regulation will affect a substantial number of public and private agencies. For example, in Fiscal Years 1977 and 1978 LEAA made 6,840 and 10,398 grants and contracts respectively.

Legal Basis

Rehabilitation Act of 1973, § 504, 29 U.S.C. § 794; Executive Order 11914, 41 FR 17871–3 CFR 1976 Comp., pp. 117–118, HEW Guidelines on Rehabilitation, 42 FR 2132.

Regulatory Analysis

The appropriateness of a regulatory analysis is presently under consideration.

Knowledgeable Offical

Robert N. Dempsey, Federal Enforcement Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202/633–2374.

Procedures for the Administration of Section 5 of the Voting Rights Act of 1965 (28 CFR Part 51)

Discussion of the Regulation

Section 5 of the Voting Rights Act of 1965, as amended in 1970 and 1975, 42 U.S.C. 1973c, requires that certain states, counties, cities, school districts, and other political units (primarily in the South and Southwest) submit to the Attorney General (or to the United States District Court for the District of Columbia) any changes in voting procedures, practices, or standards for a determination that such changes do not have the purpose and will not have the effect of discriminating on the basis of race, color, or membership in a language minority group. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965 were first published on September 10, 1971, 36 FR 18186. These procedures are currently under revision. The procedures explain the preclearance requirement, the Department's internal procedures, the submissions process to be followed by affected jurisdictions, the information required by the Attorney General to evaluate proposed changes and the standards utilized in reviewing such changes. They also inform interested persons of the manner in which they can be notified of submitted changes and can comment upon them.

The Section 5 procedures do not impose new requirements on the affected jurisdictions. Rather, they provide guidance on compliance with requirements imposed by Congress. The procedures allow the preclearance requirements of Section 5 to be more easily understood, facilitate the preparation of submissions without legal counsel, and enable the submission process to operate more expeditiously than it otherwise would.

Legal Basis

Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c; *Georgia* v. *United States*, 411 U. S. 526 (1973).

Regulatory Analysis

A regulatory analysis is not required.

Knowledgeable Official

David H. Hunter, Attorney, Voting Section, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530, 202/724–7439.

Education Programs or Activities Receiving or Benefiting From Federal Financial Assistance—Implementation of Title IX of the Education Amendments of 1972, as Amended

Discussion of the Regulation

The regulation will establish standards to assure nondiscrimination on the basis of sex in education programs and activities receiving Federal financial assistance from all components of the Department of Justice except the Law Enforcement Assistance Administration. * It will define and prohibit discrimination on the basis of sex in these programs and activities, encompassing such matters as recruitment, admissions, the delivery services, and employment. Covered programs and activities will include training programs provided by the Bureau of Prisons through its National Institute of Corrections, training assistance provided by the Drug Enforcement Administration, citizenship education and training funded by the Immigration and Naturalization Service, and education assistance provided by the Federal Bureau of Investigation.

Legal Basis

Title IX of the Education Amendments of 1972, as amended, & 901, § 902, 20 U.S.C. § 1681 *et seq.*

Regulatory Basis

A regulatory analysis is not required.

Knowledgeable Official

Stewart B. Oneglia, Office of Coordination and Review, Civil Rights Division, Department of Justice, Washington, D.C. 20250, (702) 724–6757.

John E. Huerta,

Deputy Assistant Attorney General, Civil Rights Division.

[FR Doc. 79-23290 Filed 7-31-79; 8:45 am]

BILLING CODE 4410-01-M

* Section 518(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, prohibit sex discrimination by any recipient of Federal financial assistance under those Acts. Since the scope of these Acts is broader than that of Title IX, the Law Enforcement Assistance Administration regulation implementing the nondiscrimination provisions of those Acts, 28 C.F.R. Part 42.201 *et seq.*, will be amended to include Title IX in its authority, and a reference to 28 CFR Part 42.201 et seq. will be made in the proposed Title IX regulation.

federal register

Wednesday
August 1, 1979

Part III

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

Unlawful Trade Practices Under the Federal Alcohol Administration Act

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 6, 8, 10, 11]

[Notice No. 327]

Unlawful Trade Practices Under the Federal Alcohol Administration Act

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking and notice of hearing.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to issue regulations concerning trade practices prohibited under the Federal Alcohol Administration (FAA) Act. The specific provisions of the FAA Act covered by these proposed regulations concern "Exclusive outlet", "Tied house", "Commercial bribery", and "Consignment sales". These proposed regulations also liberalize current interpretations of the FAA act, clarify existing provisions, and update regulatory requirements to conform with acceptable modern business practice. Some trade practice areas are deregulated which, hopefully, will stimulate competition. Finally, these proposed regulations will replace a large number of rulings and circulars with a single source of rules which is readily available.

ATF announced its intent to propose these regulations with an advance notice of proposed rulemaking on December 30, 1977, [Notice No. 315, 42 FR 37116].

DATES: Written comments must be received by October 30, 1979.

Requests to testify at a public hearing must be received by August 31, 1979.

Public hearings: September 6 and 7, 1979—Washington, D.C. September 10 and 11, 1979—Hartford, Conn. September 13 and 14, 1979—Atlanta, Ga. September 17 and 18, 1979—Chicago, Ill. September 19 and 20, 1979—San Francisco, Calif.

ADDRESSES: Send written comments and requests to testify at public hearings to: Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, Attn: Chief, Regulations and Procedures Divisions.

Dates and addresses: Public hearings

Public Hearing, Washington, DC

Dates: From 10 a.m. until 5 p.m. on September 6 and 7, 1979.

Address: Cash Room, U.S. Treasury Building, 15th & Pennsylvania Avenue, NW.

Public Hearing, Hartford, CT

Dates: From 10 a.m. until 5 p.m. on September 10 and 11, 1979.

Address: Plaza Room, Hotel Sonesta, 5 Constitution Plaza.

Public Hearing, Atlanta, GA

Dates: From 10 a.m. until 5 p.m. on September 13 and 14, 1979.

Address: Holiday Hall I and II, Holiday Inn Downtown, 175 Piedmont Avenue, NE.

Public Hearing, Chicago, IL

Dates: From 10 a.m. until 5 p.m. on September 17 and 18, 1979.

Address: Monroe Ballroom, 6th Floor (September 17), Crystal Ballroom, 3rd Floor (September 18), Palmer House Hotel, State and Monroe Streets.

Public Hearing, San Francisco, CA

Dates: From 10 a.m. until 5 p.m. on September 19 and 20, 1979.

Address: Room 503, U.S. Custom House, 555 Battery Street.

Evening Public Hearings

Public hearings will be held in the evenings to accommodate persons unable to attend daytime hearings, if demand is great enough. Evening hearings will begin at 7 p.m and be held in each city at a location to be announced. Evening hearings are scheduled as follows: Washington, DC on September 6; Hartford, Connecticut on September 10; Atlanta, Georgia on September 13; Chicago, Illinois on September 17; and San Francisco, California on September 20.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, telephone: 202–566–7626.

SUPPLEMENTARY INFORMATION:

Requests To Testify; Rules Governing Public Hearings

Persons requesting to testify at any of these hearings shall indicate the city in their request. These persons shall also indicate a preference for the date and time of day in which they request to testify; to the extent possible, ATF will honor these preferences. The request to testify must include an outline of the topic or topics on which a person desires to speak. Testimony will be limited to 10 minutes per speaker, but additional time may be granted for answering questions. Persons testifying should be prepared to respond to questions concerning their testimony, the outline of their testimony, or to any matters relating to written comments which they may have submitted. Written comments relating to this notice of proposed rulemaking, or to the advance notice of proposed rulemaking will be available at each hearing for public inspection. Persons not scheduled to testify may be allowed to testify if time permits at the conclusion of each hearing.

ATF will notify all persons requesting to testify and will confirm dates and times. ATF will prepare an agenda, listing speakers and their topics, for each hearing, and will make this agenda available at the hearing.

All public hearings held pursuant to this notice will be conducted under ATF's procedural rules at 27 CFR 71.41(a)(3).

The Federal Alcohol Administration Act

The Federal Alcohol Administration Act (hereinafter referred to as FAA Act or Act), provides for Federal regulation of the alcoholic beverage industry. Its major objectives are to protect the consumer through establishment of standards for labeling and advertising of alcoholic beverages, to further protect the Federal revenue derived from taxes on distilled spirits, wines, and malt beverages, and to prevent the recurrence of those abuses in the distribution of liquor which, in part, led to National Prohibition. ATF and its predecessor agencies have enforced the FAA Act since 1935.

Sections 5(a)-5(d) of the FAA Act prohibit marketing practices which are considered unfair competition. These sections entitled "Exclusive outlet", "Tied house", "Commercial bribery", and "Consignment sales", delineate and proscribe unfair trade practices in the alcoholic beverage industry.

While other sections of the FAA Act have been interpreted by regulations issued since 1935, regulations concerning prohibited trade practices have been issued in only two areas. As required by the FAA Act, regulations providing exceptions to the general prohibitions of section 5(b)(3) were issued in 1935 and are codified in 27 CFR Part 6. In addition, the required credit period regulations were issued in 1938 and are codified in 27 CFR Part 8. Rather than issuing regulations to carry out the other provisions of sections 5(a)-(d) of the FAA Act, ATF and its predecessor agencies have utilized rulings and circulars in order to keep industry members informed of the requirements and application of the Act.

Need for New Trade Practice Regulations

ATF is proposing to issue regulations implementing all of the trade practice provisions of the FAA Act. The reasons

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ATF feels these regulations would be beneficial are as follows:

(a) The provisions of Part 6 are based on hearings held in the mid-1930's. Some of the provisions of these regulations may be out of date due to technological advances or changes in acceptable business practices. The regulations modernize the exceptions granted in Part 6.

(b) ATF has indentified over 50 published rulings (both Internal Revenue and ATF) covering interpretations of the FAA Act. These rulings date as far back as 1954 and have not been compiled in one volume. Moreover, ATF feels the subject matter of these rulings is more appropriate for regulations.

(c) ATF has identified several circulars issued by the Federal Alcohol Administration in the 1930's, and by the Internal Revenue Service in the 1950's which concern prohibited trade practices. These circulars contain interpretations of the FAA Act which both ATF and industry members depend upon for guidance. Most of these circulars are, however, out of print and not readily available.

(d) ATF has examined its previous positions on several trade practice questions and has determined that certain positions are in need of clarification. ATF feels that by issuing regulations to cover these areas, ATF, industry members and retail liquor dealers would have clearer guidance in these trade practice areas. Moreover, the regulatory process, through written comments and public hearings, will provide public input into the development of regulations implementing the FAA Act.

(e) ATF feels that some previous applications of the FAA Act have been overly restrictive or have failed to recognize acceptable modern business practices. In addition, ATF desires to deregulate some trade practice areas in order to promote greater competition among industry members. These proposed regulations are, therefore, liberalizing.

In view of the above considerations, ATF feels that regulations covering all aspects of the trade practice provisons of the FAA Act would be beneficial.

Advance Notice of Proposed Rulemaking

In order to solicit public input on the advisability of issuing regulations concerning the trade practice provisions of the FAA Act, ATF issued an advance notice of proposed rulemaking [Notice No. 315, 42 FR 37116, December 30, 1977]. That advance notice suggested specific areas within 27 CFR Parts 6 and 8 which ATF was considering changing, such as regulations pertaining to equipment and supplies, inside signs, retail advertising specialties, and displays. The advance notice also suggested specific trade practices which might be included in current Part 6. Finally, the advance notice suggested that ATF might issue new regulations concerning all trade practices not currently covered by regulations.

ATF received about 90 written comments in response to the advance notice. Comments were submitted by all alcoholic beverage industry segments incuding major trade associations, State retail liquor dealer associations, associations of tavern owners, alcoholic beverage wholesalers, several distillers, brewers and vintners, and three "control" State governments.

In general, respondents favored modernizing the FAA regulations concerning prohibited trade practices. The majority of individual comments favored clarification of trade practice areas not now covered by regulation; for example, stocking and rotation of alcoholic beverages.

The written comments addressed nearly all trade practice areas included in sections 5(a)-(d) of the FAA Act. Based on these comments, ATF has drafted these regulations covering sections 5(a)-(d) of the FAA Act. We further solicit public comments on any areas or activities of these proposed regulations which appear overly restrictive, and solicit suggestions for possible section 5(b)(3) exemptions which are not contained in these proposed regulations.

The Proposed Regulations

ATF is proposing to issue 4 new or revised parts in the Code of Federal Regulations, Title 27: Alcohol, Tobacco Products and Firearms. Each part will correspond to a subsection of section 5 of the FAA Act. The proposed parts are as follows:

27 CFR Part 6: "Tied House" (includes regulations presently found in 27 CFR Parts 6, 8);
27 CFR Part 8: Exclusive Outlet;
27 CFR Part 10: Commercial Bribery; and
27 CFR Part 11: Consignment Sales.

The proposed regulations are discussed in detail below.

Definition of Retail Liquor Dealer

The Federal Alcohol Administration Act does not define "retail liquor dealer" or "retailer". Currently, 27 CFR Part 6, defines a "retailer" as "any person engaged in the sale of distilled spirits, wine or malt beverages to consumers". Although this regulatory definition generally has been adequate, it presents special problems when applying sections 5(a), Exclusive outlet, and 5(b), Tied house, of the FAA Act to certain classes of liquor dealers. Unfortunately, not all liquor dealers may be easily classified as a "wholesaler" or a "retailer". Many liquor dealers, especially State liquor control authorities, conduct both wholesale and retail sales of alcoholic beverages. Moreover, some of these dealers are predominantly wholesalers but conduct minimal retail sales to consumers. Therefore, it is proposed to expand upon the definition of "retailer" by adding the sentence "This does not include a wholesaler who makes incidental retail sales representing less than 10 percent of the wholesaler's total sales volume for the preceding 2 month period.".

Application of Section 5 of the Federal Alcohol Administration Act to State Liquor Control Authorities

Past rulings and circulars hold that the trade practice provisions of section 5 of the Act apply to States when acting as retail liquor dealers. Accordingly, industry members are prohibited by law from engaging in the trade practices outlined in sections 5(a)-(d) with States which fall into the category of a "retailer".

Three State liquor control authorities responded to the advance notice of proposed rulemaking. Their comments plus that of the National Alcoholic Beverage Control Association request that ATF either exempt control States from the provisions of the FAA Act or treat these control States as wholesalers rather than retailers. ATF finds no statutory authority for exempting control States in their retail activities from the coverage of the Act. However, State liquor control authorities are, when operating as wholesalers, by statute, exempt in their dealings with retail liquor dealers for purposes of sections 5(a), (b) and (c) of the Act. This exemption is incorporated into the definition of industry member.

Exclusive Outlet Regulations

Requirements of law. Proposed Part 8, Exclusive outlet, provides that it is unlawful for an industry member, directly or indirectly or through an affiliate to require, by agreement or otherwise, that any retailer engaged in the sale of alcoholic beverages, purchase any such products from such person to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce, if such requirement is made in the course of

interstate or foreign commerce, or if such person engages in such practice to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such requirement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce.

Section 5(a) of the Act applies to transactions between industry members and retailers. State agencies when operating as retailers are included within the coverage of this part under § 8.3. However, State agencies' wholesale transactions with retailers are exempt.

Definitions. Terms used throughout the part are defined in § 8.11. All definitions are identical to those appearing presently in 27 CFR Part 6 with the exception of the term "retailer" which is modified as discussed above.

Prohibited trade practices. Subpart C outlines trade practices prohibited by section 5(a) of the FAA Act. Section 8.21 paraphrases the Act by describing those transactions that are prohibited. This section further states that purchases coerced by industry members, through threats or acts of physical or economic harm, are prohibited, as are voluntary industry member retail purchase agreements. Sections 8.22–8.24 give specific examples and clarification of prohibited practices.

Tied House Regulations

Requirements of law. Proposed Part 6, "Tied house", provides that it is unlawful for an industry member to induce through any of the following means, any retailer engaged in the sale of alcoholic beverages to purchase any such product from such person to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce, if such inducement is made in the course of interstate or foreign commerce, or if such person engages in the practice of using such means to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce.

(1) By acquiring or holding any interest in any license with respect to the premises of the retailer; or

(2) By acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of his business; or

(3) By furnishing, giving, renting, lending, or selling to the retailer, any equipment, fixtures, signs, supplies, money, services or other thing of value, subject to the exceptions prescribed by regulation, having due regard for public health, the quantity and value of articles involved, established trade customs not contrary to the public interest and the purposes of the subsection; or

(4) By paying or crediting the retailer for any advertising display, or distribution service; or

(5) By guaranteeing any loan or repayment of any financial obligation of the retailer; or

(6) By extending to the retailer credit for a period in excess of the credit period usual and customary to the industry for the particular class of transactions, as ascertained by the Secretary and prescribed by regulation; or

(7) By requiring the retailer to take and dispose of a certain quota of any of such products.

Proposed Part 6. The proposed Part 6 replaces 27 CFR Part 6, Inducements Furnished to Retailers, and 27 CFR Part 8, Credit Period to be Extended to Retailers of Alcoholic Beverages. This proposed part also incorporates many revenue rulings and industry circulars which were issued to clarify section 5(b) of the Act. This part not only outlines the unlawful inducements proscribed by the Act, but lists the inducements which may lawfully be given or furnished to retailers under the exemption found in section 5(b)(3).

Definitions. Most definitions in Subpart B currently appear in Part 6 but several are new. The definition of "laid-in cost" adopts the terminology of ATF Ruling 76–16, 1976 ATF C.B. 78; "Laid-in cost" means the cost incurred by an industry member to place alcoholic beverages in inventory which includes the manufacturer's invoice price, freight charges and taxes. "Equipment" is defined as including all funtional items used in the conduct of a retailer's business. The definition of "retailer" is amended by excluding those combination wholesale and retail operations in which retail sales to consumers constitute less than 10 percent of the total sales volume for the preceding 2 month period.

The Distilled Spirits Council of the United States (DISCUS) and the Wine and Spirits Wholesalers of America (WSWA) submitted comments concerning the revision of former Part 6. Their comments suggested several additional terms be defined. Two of their suggested definitions, "cost adjustment factor" and "value" are incorporated elsewhere in this part. While DISCUS and WSWA also suggested definitions for other terms including "exclusion in whole or in part", "offense or violation", and "willful", definitions of these terms do not now appear in Part 6. ATF believes these terms are not susceptible to precise definition except in the context of a particular enforcement proceeding.

Interest in retail license. Sections 6.25–6.27 implement section 5(b)(1). Section 6.25 paraphrases the Act and prohibits industry members from influencing purchases of a retailer by acquiring an interest in any license (State, county, or municipal) with respect to the premises of the retailer.

Interest in retail property. Section 6.31 paraphrases section 5(b)(2) which prohibits industry members from influencing the purchases of retailers by acquiring an interest in property owned, occupied, used or leased by the retailer in the retail business. Sections 6.32–6.35 provide examples of prohibited interests in a retailer's property.

Furnishing things of value. Sections 6.41–6.49 implement the provisions of section 5(b)(3) prohibiting an industry member from furnishing a thing of value to a retailer. These regulations replace former 27 CFR 6.20. Subpart D states exceptions to these regulations by allowing industry members to furnish certain specified items to retailers.

Section 6.42 prohibits an industry member from furnishing a thing of value to a third party (such as a retail association) and the thing of value passing through to a retailer. Section 6.43 prohibits an industry member from selling equipment to a retailer. Section 6.44, entitled "Free warehousing", prohibits an industry member from delaying delivery of alcoholic beverages to a retailer beyond the lawful credit period set forth in § 6.66. Under § 6.45, any assistance (financial, legal, adminsitrative, or influential) by an industry member in the acquisition by a retailer of a license constitutes the furnishing of a service or thing of value within the meaning of the Act.

Free goods, discounts, rebates, and price reductions. Section 6.46 clarifies ATF's position regarding free goods, rebates, discounts, and price reductions, and incorporates the positions taken in Revenue Ruling 54–161, 1954–1 C.B. 338 and ATF Rulings 74–6, 1974 ATF C.B. 50; 75–12, 1975 ATF C.B. 33; 75–33, 1975 ATF C.B. 34; and 76–16, 1976 ATF C.B. 78, by stating in one place, ATF's current interpretation of section 5(b)(3) regarding these practices.

Approximately 16 industry comments concerning free goods, discounts and rebates were received in response to the advance notice of proposed rule making. Generally, the respondents favored treating discounts, rebates, free goods, and the like as pricing arrangements rather than prohibited inducements. Several respondents recommended that ATF issue a definitive position on the matter of free goods, discounts, rebates and price reductions, as well as requires that all discounts be reflected on the related sales invoice. Two respondents recommended that ATF modify its position on "free goods" by allowing the giving of a discount in the form of liquor dissimilar to the products purchased. Most of these comments are incorporated into this proposed section. Section 6.46 permits industry members to give free goods, discounts, rebates, and price reductions to retailers under certain circumstances.

Present ATF policy permits the giving of free goods, discounts, price reductions or rebates if they are given pursuant to an agreement made at the time of sale, if the quantities given are not so excessive as to constitute a gift (are not less than the supplier's "laid-in cost"), and if free goods given are identical to the products purchased.

Proposed § 6.46 represents several changes to this policy. First, this section requires that the "laid-in cost" be calculated over the 12 month period previous to the transaction. This requirement precludes a primary supplier (producer, rectifier, bottler, brewer) from creating a tied-house relationship with retailers by greatly discounting their products to their wholesalers who in turn discount them to retailers below the wholesaler's customary "laid-in cost".

A second proposed change concerning "free goods" is elimination of the requirement that free goods given in the course of a transaction be the same as the goods purchased. ATF feels these "free goods" represent a discount made by the industry member to a retailer, and that the type of product given should not be a factor.

A third proposed change is that transactions involving free goods, discounts or price reductions be documented. Section 6.46(b) requires all such sales arrangements to be shown on sales invoices available for inspection for a period of five years. The DISCUS and WSWA comments suggested that existing recordkeeping requirements in 27 CFR Part 194, Liquor Dealers, would be sufficient to document these transactions. ATF notes, however, that Part 194 only requires records of receipt and disposition of wines, distilled spirits, and malt beverages; it does not require showing pricing arrangements between retailers and their suppliers. Additionally, Part 194 does not apply to liquor dealers in Puerto Rico. Therefore, we propose to include recordkeeping requirements for free goods and the like in § 6.46. ATF also notes that this recordkeeping requirement may be satisfied by maintaining copies of invoices or commercial papers rather than keeping a separate government record.

Other things of value. Section 6.47 prohibits the furnishing of certain activities such as entertainment for patrons at a retail establishment by an industry member. Under § 6.48(a), an industry member is prohibited from furnishing *outside signs* to retailers. Paragraph (b) further prohibits an industry member from placing a "billboard" or "spectacular" sign on the wall or roof of a retail establishment or adjacent building under certain circumstances. Section 6.49 provides that things of value given to retailers, such as trading stamps, coupons, non-alcoholic mixers, and pouring racks, are inducements under the FAA Act, even if the industry member intends them for free distribution to consumers.

Paying for advertising, display or distribution service. Proposed § 6.51 paraphrases section 5(b)(4) which prohibits industry members from influencing a retailer by paying or crediting the retailer for an advertising, display or distribution service.

Cooperative advertising in which an industry member participates with a retailer in paying for an advertisement placed by the retailer is prohibited under proposed § 6.52. Section 6.53 prohibits an industry member from purchasing advertising signs, scoreboards, programs, and the like at ball parks, race tracks, or stadiums from a retail concessionaire. Advertising by an industry member in a retailer publication intended for distribution to consumers or the general public is prohibited under § 6.54. Section 6.55 prohibits payments by industry members to retailers or setting up product displays since this is rendering a display service under section 5(b)(4). Similarly, under § 6.56, a wholesaler may not rent display space on the retailer's premises.

Guaranteeing loans. Section 6.61 paraphrases section 5(b)(5) which prohibits an industry member from influencing a retailer by guaranteeing any loan or the repayment of a financial obligation by the retailer.

Extension of credit. Section 5(b)(6) of the Act prohibits industry members from influencing a retailer by extending credit in excess of the customary credit period. Section 6.65 paraphrases section 5(b)(6) and gives the usual and customary credit period as 30 days, as presently set forth in 27 CFR 8.20 and 8.21. The credit period is calculated as the time between delivery of the alcoholic beverage and the date of the full legal discharge by the retailer of indebtedness arising from the sale. Section 6.66 continues the provisions of former § 822.

Sales to retailer whose account is in arrears. Under § 6.67, a retailer whose account is in arrears would be required to reduce existing indebtedness to a supplier to that of the average purchase by the retailer from that supplier over the preceding four month period. The retailer is required to make payment equal to or greater than the value of the current order in order for the supplier not to be violation of the Act.

Quota sales. Section 6.71 which paraphrases section 5(b)(7) prohibits an industry member from influencing a retailer by requiring that the retailer take a specified quota of any alcoholic beverage.

Exceptions to "Tied House" Regulations

Exceptions or "legal inducements" have been provided by regulations in 27 CFR Part 6, Inducements Furnished to Retailers, since 1936; these exceptions are being incorporated in to this part. In addition, this part lists exceptions which were not formerly listed in Part 6 and incorporates many revenue rulings.

Section 6.81(a) is a general statement allowing industry members to make certain inducements to retailers within the restrictions listed in §§ 6.83–6.100, as long as the inducements are not conditioned on purchases of alcoholic beverages.

Recordkeeping requirements. Proposed § 6.81(b) requires industry members to keep records of all items and services furnished to retailers under the provisions of this subpart.

Cost adjustment factor. Several of the legal inducements listed (inside signs, product displays, retail advertising specialties, advertising in retailer association publications) contain fixed dollar limitations. In their comments to the advance notice of proposed rulemaking DISCUS noted that inflation has necessitated increasing dollar limitations through administrative action. To streamline this process, § 6.82 provides for adjustment of these dollar limitations. Increases (or decreases) would be determined by a "cost adjustment factor" equal to the change

in the Consumer Price Index published monthly by the Bureau of Labor Statistics. Dollar limitation adjustments would occur when the "cost adjustment factor" would require an adjustment of at least $10.

Product displays. New § 6.83 defines a products display as any "wine racks, bins, barrels, casks, shelving, and the like from which alcoholic beverages are displayed and sold."

Section 6.83 permits an industry member to furnish, give, rent, loan, or sell product displays to a retailer. The total value of the product displays furnished to a retailer by an industry member is limited to not more than $25 at one time; further, "pooling" of dollar limitations by industry members in order to exceed the dollar limitation would be prohibited. The dollar value is fixed as the actual cost to the industry member excluding transportation and installation charges. Product displays are required to bear conspicuous advertising matter. As discussed above, an industry member cannot condition the furnishing of a product display on the sale of sufficient product to stock the display. Although the product display is limited to $25 under § 6.83, there is no limit to the amount of product which may be used in the product display.

This section incorporates many comments received in response to the advance notice of proposed rulemaking. In general, respondents suggested that a product display should attract the customer and make the product more available. Nearly all respondents opposed any quantity limitation on the amount of product used in displays.

As proposed, product displays would include wine casks if they bear conspicuous advertising matter in order to differentiate them from "equipment" as defined in § 6.11. Product displays would also include wine racks. In the past, industry members have furnished wine racks to retailers; however, they cannot be considered "inside sign." In order to clarify the status of these items, they have been specifically included as product displays, subject to the $25 limitation.

Inside signs. The provisions permitting the furnishings of inside signs to retailers have been combined into one section, and made uniform for signs relating to malt beverages, wine and distilled spirits.

Section 6.84 sets a maximum value of $75 on all signs furnished by an industry member to a retailer, but no limits are set on the number of signs for individual products. This proposed section does not allow industry members to "pool" their dollar limitations in order to furnish a retailer signs in excess of $75. The dollar value of inside signs would be the actual cost to the industry member, excluding transportation and installation. This concept is simple to enforce and places signs of all products—malt beverages, wine and distilled spirits—on an equal footing when determining their value. Several respondents to the advance notice of proposed rulemaking pointed out that the suggested "fair market value" would be extremely difficult to determine and might be unenforceable.

In the advance notice of proposed rulemaking, it was proposed to combine the sections relating to inside signs and to retailer advertising specialties. All national supplier and wholesaler associations commented unfavorably on this idea, and these items continue to be treated in separate sections. Most respondents did, however, favor establishing a uniform dollar limitation for all inside signs and this is reflected in the proposed section.

Retailer advertising specialties. Section 6.85 lists certain advertising specialties which an industry member may furnish to a retailer. This section replaces former § 6.28. The section sets a uniform value of $50 for those specialties which an industry member may furnish a retailer; moreover, a $20 limit for any one item is set. This represents an increase from the $20 maximum per industry member currently in § 6.28. "Pooling" of funds by industry members to increase dollar limits is prohibited.

Many respondents to the advance notice of proposed rulemaking suggested a separate category for "wine menus" or a separate dollar limitation for them. A "wine menu" is a listing of wines, often including prices, offered for sale by a retailer. ATF feels that most "wine menus" are neither retailer advertising specialties nor consumer advertising specialties since their primary value to the retailer is functional, not point of sale advertising, and because they are not for unconditional distribution to the public. ATF feels and exception for wine menus is not justified since they tend to be exclusionary—competitors' products are almost automatically excluded. Therefore, ATF is proposing to delete "menu cards" from retailer advertising specialties, and "wine lists" from consumer advertising specialties.

Consumer advertising specialties. Section 6.86 permits an industry member to furnish certain stated consumer advertising specialties to retailers for unconditional distribution to the public. This section replaces former § 6.27 and is unchanged except for the deletion of "wine lists" as discussed above.

Tapping accessories and supplies. Sections 6.87 and 6.88 permit industry members to sell tapping equipment and carbon dioxide or ice to retailers in accordance with certain limitations. These sections replace former §§ 6.22 and 6.24. Standards and faucets have been added to the list of tapping accessories. The older term "carbonic acid gas" has been changed to read "carbon dioxide".

Samples. Provisions relating to samples of alcoholic beverages furnished to retailers appear at § 6.89 which incorporates former § 6.29. Sample sizes for wine and distilled spirits are converted to their metric equivalents. Sample sizes for malt beverages have been increased from two to three gallons to permit furnishing a case of 12 or 16 ounce bottles or cans since a case is the customary marketing unit. A third change permits an industry member to furnish the next larger size of a sample product if a size within the quantity limitations is unavailable.

Cumulative discounts. Section 6.90 deals with cumulative discounts given for quantity purchases of alcoholic beverages. In response to the advance notice of proposed rulemaking, several comments, both for and against cumulative discounts, were received.

In view of the fact that cumulative discounts have become commonplace in some parts of the nation, ATF is proposing this new exception. Under proposed § 6.90, discounts given for cumulative purchases of alcoholic beverages over a period of time may be considered excepted inducements and thus not subject to the section 5(b)(3) prohibitions if certain criteria are met.

Newspaper cuts. Under § 6.91, an industry member may furnish newspaper cuts to a retailer selling the industry member's products. The provisions of former § 6.30 are unchanged.

Combination packaging. ATF believes that combination packaging of alcoholic beverages in conjunction with items of negligible value such as salt, cocktail mixes, plastic charms, glassware, and the like, should no longer be considered proscribed inducements. At the same time, ATF wishes to retain adequate controls to prevent the inducement of retailers. Therefore, ATF is proposing § 6.92, Combination packaging, which allows distribution of these items in combination with alcoholic beverages if the items have no value or benefit to the retailer and if the items are attached to the bottle in such a manner so that their removal prior to their distribution to the

ultimate consumer would render the package unsaleable.

Educational seminars. Proposed § 6.93 would allow industry members to give or sponsor educational seminars for employees of retailers. Industry members are, however, prohibited from paying retailers' expenses, for example, transportation, meals, or lodging in connection with any educational seminars.

Consumer tasting on retailers premises. Proposed § 6.94 would allow an industry member to conduct consumer tasting at a retail establishment. The industry member may purchase the alcoholic beverages to be used from the retailer, but is prohibited from paying more than the ordinary retail price for them.

Consumer promotions. Under proposed § 6.95, an industry member may furnish consumers with coupons which may be redeemed by retailers. The coupons may not specify retailers where the coupons may be redeemed. Moreover, the industry member may not reimburse the retailer for more than the face value of all coupons redeemed.

The proposed section also allows industry members to offer contest prizes, premiums, refunds, and the like, directly to consumers as long as retailers and officers and employees of wholesalers and retailers are excluded from participation.

Coil cleaning service. Former § 6.25 has been incorporated into § 6.96, Coil cleaning service, with one minor change. The phrase "retailer of malt beverages" has been changed to "retailer of alcoholic beverages" to permit the servicing of wine lines in bulk wine dispensers by a wine supplier.

Advertising service. Proposed § 6.97 allows industry members to include the names and addresses of retailers selling the industry member's product in their advertisements if the retail price of the product is not also included. The advertisement may not contain pictures or illustrations of retail establishments or laudatory references to retailers.

Stocking, rotation and pricing of alcoholic beverages. A large number of the respondents to the advance notice of proposed rulemaking commented specifically on the question concerning stocking and rotation of alcoholic beverages. The respondents strongly recommended relaxing current restrictions on rotating and pricing of alcoholic beverages. Both suppliers and retailers alike favored allowing stocking and rotation services.

In view of the evidence presented that stocking, rotation and pricing is a reasonable service considering the benefit to the consumer, the value of the service, and established trade custom, ATF is proposing this exception. Proposed § 6.98 permits industry members to stock, rotate and price products which they sell (malt beverages, wine, or distilled spirits). However, an industry member may not disturb or alter products of another industry member, and may not rearrange or reset all or part of a store or liquor department.

Participation in retailer association activities. Section 6.99 describes the extent to which industry members may lawfully participate in retailer association activities. More than half of the respondents to the advance notice of proposed rulemaking commented upon participation in retailer associations. all the State or national retail associations favored increased participation in retailer association activities. Industry member groups or individual industry members, in general, favored some participation but with guidelines. Retailer associations also sought guidelines on permitted industry member participation in retailer associations.

Section 6.99 describes the extent to which industry members may lawfully participate in retailer association activities. Under § 6.99, an industry member (1) may display its products at a convention or trade show; (2) may rent display booth space directly from the hotel or convention center and pay a fee which is not exorbitant; (3) may set-up a hospitality suite that is independent from association sponsored activities; (4) may purchase tickets and pay registration fees if payments are consistent with prices paid by all attendees, retailers and suppliers; and (5) may purchase advertising in programs or brochures issued by retailer associations if the cost does not exceed $75 per year; industry members would also be prohibited from "pooling" their dollar limitations.

The proposed section incorporates the provisions of ATF Ruling 76–23, 1976 ATF C.B. 79, but states the activities in which an industry member may lawfully engage, rather than stating prohibited practices. The regulation, however, continues ATF's position that certain activities would result in violations of section 5(b)(3) of the Act. These prohibited activities include: (1) payments made to trade buyer employee associations, as prohibited by Revenue Ruling 54–391, 1954–2 C.B. 579; (2) collection of dues on behalf of retail liquor dealer associations as prohibited by Revenue Ruling 54–130, 1954–1 C.B. 338; and (3) payments to retailer associations to underwrite conventions.

ATF is proposing one minor change in its past position relating to purchasing of advertising by industry members. In response to some public comments, proposed § 6.99(e) would permit the purchase of a small quantity of advertising by industry members. ATF feels that because of the relatively small dollar limitation, exclusion would not occur by the purchase of these advertisements.

Because of the many respondents seeking clarification on the extent of permitted activities, ATF is proposing this new section. If this proposed rule is adopted ATF intends to monitor its implementation closely. If it appears that it has led to the exclusion of non-participants in these activities, then this exception will be reconsidered.

Merchandise. Section 6.100, Merchandise, is a restatement of former § 6.31. This section allows industry members to sell non-alcoholic items such as drugs or groceries to retailers.

Commercial Bribery Regulations

Requirements of law. Proposed Part 10, Commercial bribery, provides that it is unlawful for any industry member to induce through any of the following means, any trade buyer engaged in the sale of alcoholic beverages, to purchase any such products from such person to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce, if such inducement is made in the course of interstate or foreign commerce, or if such person engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such trade buyer in interstate or foreign commerce: (1) by commercial bribery; or (2) by offering or giving any bonus, premium, or compensation to any officer, or employee, or representative of the trade buyer.

Proposed Part 10. The proposed Part 10 is new. In the past, section 5(c) of the FAA Act has been interpreted through revenue rulings and industry circulars.

Definitions. Proposed § 10.11 contains definitions for terms used throughout the part. A definition of "trade buyer" is stated as "any retailer or wholesaler of wine, distilled spirits or malt beverages." "Officer" is defined as "all corporate executives including

presidents, vice-presidents, treasurers, and chief executive officers."

The DISCUS and WSWA comments suggested including a definition of "bonus, premium, or compensation." However, ATF feels these terms are adequately defined in the other sections within this part.

Employee associations. Section 10.32, Employee associations, states that gifts or payments for advertising in publications, to trade buyer employee associations are considered the same as bonuses of compensation given directly to employees.

Gifts or payments to wholesalers. Section 10.33 states that gifts or payments may be given to a wholesale entity (Gifts to a retailer by an industry member would violate section 5(b)(3) of the Act.). However, the wholesale entity may not act as a mere conduit for the industry member's giving gifts, or payments to individual employees.

Consignment Sales Regulations

Requirement of law. Proposed Part 11, Consignment sales, provides that it is unlawful for any industry member to sell, offer for sale, or contract to sell to any trade buyer engaged in the sale of alcoholic beverages, or for any such trade buyer to purchase, offer to purchase, or contract to purchase, any such products on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a bona fide sale, or where any part of such transaction involves, directly or indirectly, the acquisition by such person from the trade buyer or his agreement to acquire from the trade buyer other alcholic beverages if such sale, purchase, offer, or contract is made in the course of interstate or foreign commerce, or if such person or trade buyer engages in such practice to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such sale, purchase, offer, or contract is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such trade buyer in interstate or foreign commerce: provided, that this subsection shall not apply to transactions involving solely the bona fide return of merchandise for ordinary and usual commercial reasons arising after the merchandise has been sold.

Proposed Part 11. The proposed Part 11 is new: In the past, section 5(d) has been interpreted by revenue rulings and industry circulars.

Definitions. Section 11.11 contains definitions for terms used throughout the part. The term "industry member" does not exclude State liquor authorities. "Exchange" is defined as the transfer of alcoholic beverages from a trade buyer to an industry member with other alcoholic beverages taken as a replacement. "Return" is defined as the transfer of alcoholic beverages from a trade buyer to the industry member from whom purchased, for cash or credit.

Unlawful sales arrangements. Proposed Subpart C, Unlawful sales arrangements, explains the types of sales arrangements, which are prohibited by section 5(d).

Proposed § 11.22 explains what is meant by "consignment" or "conditional" sales. A "consignment" sale exists when the trade buyer is under no obligation to pay for the products until they are sold. In a "conditional" sale, the seller maintains a security interest in the products.

Transactions in which there exists an agreement at the time of sale to allow the return of unsold products other than for the reasons set forth in Subpart D, are prohibited under § 11.23.

Proposed § 11.24(a) prohibits sales transactions in which an industry member agrees to accept other products from the trade buyer as a condition to present or future sales of products to that trade buyer. Section 11.24(b) prohibits exchange of products if the exchange is conditioned on the acquisition of other products. Section 11.24(b) does not prohibit the exchange on a case-by-case basis of such similar products (same type and brand, different container size or type) if there was no direct or implied privilege of return when the products were orginally sold.

Rules for the Return of Alcoholic Beverages

Under section 5(d) of the FAA Act, the actual return of alcoholic beverages to an industry member is not prohibited if the return is for "ordinary and usual commercial reasons" arising after the product has been sold. Proposed §§ 11.32–11.40 outline what may be considered valid reasons for the return of alcoholic beverages.

Defective products which are unmarketable may be exchanged under § 11.32 for an equal quantity of identical products.

Errors. Products which are delivered in error to a trade buyer may be exchanged for the product that was originally ordered, or may be returned for cash or credit against outstanding indebtedness. A return is required within a reasonable period after delivery.

Products which may no longer be lawfully sold may be returned if a trade buyer is unable to sell them because of legal or regulatory action over which the trade buyer has no control. These products (including different sizes or brands of a product) may be returned for cash or credit against outstanding indebtedness.

Termination of business. Section 11.35 permits a return for cash or credit against existing indebtedness of alcoholic beverages held by a trade buyer who is terminating business. Limited dealers whose operations are not recurring would be covered by this section, but seasonal dealers who are temporarily closing would not be covered (see § 11.40).

Termination of franchise. Section 11.36 permits a distributor to return products to an industry member for cash or credit against existing indebtedness in cases when the distributor's franchise to sell that product has been terminated by the industry member.

Change in product. Under § 11.37, a trade buyer may exchange a product which has been changed in formula, proof, label or container, for an equal quantity of the new version of the product.

Discontinued products. A trade buyer may return for cash or credit against existing indebtedness, quantities of a product which has been discontinued by a producer or importer.

Returned products on past due accounts. Section 11.39 allows an industry member to accept products returned by a trade buyer in settlement of a bad debt.

Seasonal dealers. A provision allowing for the return of alcoholic beverages by seasonal dealers, open only a portion of the year, when the products are perishable, is incorporated into § 11.40. This proposed section is new and would allow the return of such products for cash or credit against existing indebtedness.

Overstocked and slow-moving products. Proposed § 11.41 prohibits the return of alcoholic beverages by trade buyers because of oversupply or slow sales.

Seasonal products. Under § 11.42, products for which a seasonal demand exists, for example, holiday decanters, may not be sold by an industry member with the express or implied privilege of return of unsold portions of the product.

Treatment of Revenue Rulings

The following revenue rulings will either be incorporated into the proposed regulations, or their provisions will become obsolete at the time these

proposed regulations become effective: Revenue Rulings 54–131, 1954–1 C.B. 341; 54–161, 1954–1 C.B. 338; 54–162, 1954–1 C.B. 340; 54–175, 1954–1 C.B. 340; 54–176, 1954–1 C.B. 340; 54–177, 1954–1 C.B. 340; 54–260, 1954–2 C.B. 572; 54–261, 1954–1 C.B. 573; 54–262, 1954–2 C.B. 575; 54–279, 1954–2 C.B. 582; 54–286, 1954–2 C.B. 576; 54–295, 1954–2 C.B. 572; 54–303, 1954–2 C.B. 576; 54–337, 1954–2 C.B. 573; 54–355, 1954–2 C.B. 577; 54–377, 1954–2 C.B. 577; 54–390, 1954–2 C.B. 578; 54–509, 1954–2 C.B. 561; 54–620, 1954–2 C.B. 580; 54–621, 1954–2 C.B. 581; 54–622, 1954–2 C.B. 581; 55–42, 1955–1 C.B. 610; 55–166, 1955–1 C.B. 610; 55–167, 1955–1 C.B. 610; 55–168, 1955–1 C.B. 611; 55–401, 1955–1 C.B. 611; 55–403, 1955–1 C.B. 609; 55–551, 1955–2 C.B. 732; 55–567, 1955–2 C.B. 732; 55–568, 1955–2 C.B. 731; 56–204, 1956–1 C.B. 808; 56–205, 1956–1 C.B. 809; 56–206, 1956–1 C.B. 810; 56–384, 1956–2 C.B. 1053; 56–628, 1956–2 C.B. 1055; 56–629, 1956–2 C.B. 1056; 56–646, 1956–2 C.B. 1057; 56–647, 1956–2 C.B. 1056; 56–650, 1956–2 C.B. 1058; 58–121, 1958–1 C.B. 609; 58–136, 1958–1 C.B. 612; 61–78, 1961–1 C.B. 846; 62–223, 1962–2 C.B. 385; ATF Rulings 74–6, 1974 ATF C.B. 50; 75–12, 1975 ATF C.B. 33; 75–33, 1975 ATF C.B. 34; 76–16, 1976 ATF C.B. 78; 76–23, 1976 ATF C.B. 79; 77–4, 1977 ATF C.B. 161; 77–17, 1977 ATF C.B. 153.

Disclosure of Comments

Comments on this notice of proposed rulemaking may be inspected in the ATF Reading Room, Office of Public Affairs, Room 4408, Benjamin Franklin Post Office Building, 12th and Pennsylvania Avenue, NW, Washingon, DC, during normal business hours.

Drafting Information

The principal authors of this document are John Daffron, Michael Desrochers, Gerard LaRusso, and Charles Bacon, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of ATF and the Treasury Department participated in developing the document, both on matters of substance and style.

Compliance With Executive Order 12044

This proposed regulation does not meet the Department's criteria for significant regulations as set forth in the Federal Register of November 8, 1978.

Authority and Issuance

These proposed regulations are issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended (27 U.S.C. 205).

Accordingly, Title 27 Code of Federal Regulations is amended as follows:

Paragraph 1. Revise Part 6 to read as follows:

PART 6—"TIED HOUSE"

Subpart A—Scope of Regulations

Sec.
6.1 General.
6.2 Territorial extent.
6.3 Application.
6.4 Jurisdictional limits.

Subpart B—Definitions

6.11 Meaning of terms.

Subpart C—Unlawful Inducements

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6.33 Proprietary interest.
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6.44 Free warehousing.
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Paying for Advertising Display or Distribution Service
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6.56 Renting display space.

Guaranteeing Loans
6.61 Guaranteeing loans.

Extension of Credit
6.65 General.
6.66 Calculation of period.
6.67 Sales to retailer whose account is in arrears.

Quota Sales
6.71 Quota sales.

Subpart D—Exceptions

Sec.
6.81 General.
6.82 Cost adjustment factor.
6.83 Product displays.
6.84 Inside signs.
6.85 Retailer advertising specialties.
6.86 Consumer advertising specialties.
6.87 Tapping accessories.
6.88 Supplies.
6.89 Samples.
6.90 Cumulative discounts.
6.91 Newspaper cuts.
6.92 Combination packaging.
6.93 Educational seminars.
6.94 Consumer tasting or sampling at retail establishments.
6.95 Consumer promotions.
6.96 Coil cleaning service.
6.97 Advertising service.
6.98 Stocking and pricing service.
6.99 Participation in retailer association activities.
6.100 Merchandise.

Authority. The provisions of this Part 6 issued under 49 Stat. 981, as amended (27 U.S.C. 205).

Subpart A—Scope of Regulations

§ 6.1 General.

The regulations in this part, issued pursuant to section 5 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify practices which are prohibited by subsection (b), "Tied house", and provide the exceptions to these prohibitions. This part does not attempt to enumerate all of the practices prohibited by section 5 (b) of the Act. Nothing in this part shall operate to exempt any person from the requirements of any State law or regulation.

§ 6.2 Territorial extent.

This part applies to the several States of the United States, the District of Columbia, and Puerto Rico.

§ 6.3 Application.

(a) *General.* This part applies only to transactions between industry members and retailers. It does not apply to transactions between two industry members (for example, between a producer and a wholesaler), or to transactions between an industry member and a retailer wholly owned by that industry member.

(b) *Transactions involving State agencies.* The regulations in this part apply to transactions between industry members and State agencies operating as retailers as defined in this part. The regulations do not apply to State agencies with regard to their wholesale dealings with retailers.

§ 6.4 Jurisdictional limits.

(a) *General.* The regulations in this part apply where:

(1) the industry member induces a retailer to purchase alcoholic beverages from such industry member to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce; and,

(2) if:

(i) The inducement is made in the course of interstate or foreign commerce; or

(ii) The industry member engages in the practice of using an inducement to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products; or

(iii) The direct effect of the inducement is to prevent, deter, hinder or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce.

(b) *Malt beverages.* In the case of malt beverages, this part applies to transactions between a retailer in any State and a brewer, importer, or wholesaler of malt beverages inside or outside such State only to the extent that the law of such State imposes requirements similar to the requirements of section 5(b) of the Federal Alcohol Administration Act [27 U.S.C. 205(b)], with respect to similar transactions between a retailer in such State and a brewer, importer, or wholesaler of malt beverages in such State, as the case may be.

Subpart B—Definitions

§ 6.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms have the meanings given in this section. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by that Act.

Act. The Federal Alcohol Administration Act.

Equipment. All functional items such as tap boxes, glassware, pouring racks, and similar items used in the conduct of a retailer's business.

Industry member. Any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits; industry member does not include any agency of a State or political subdivision thereof, or an officer or employee of such agency.

Laid-in cost. The cost incurred by an industry member to place alcoholic beverages in inventory and would consist of the manufacturer's invoice price, freight, and related taxes.

Product. Distilled spirits, wine or malt beverages, as defined in the Federal Alcohol Administration Act.

Retailer. Any person engaged in the sale of distilled spirits, wine or malt beverages to consumers. This term does not include a wholesaler who makes incidental retail sales representing less than 10 percent of the wholesaler's total sales volume for the proceding 2 month period.

Retail establishment. Any premises where distilled spirits, wine or malt beverages are sold or offered for sale to consumers, whether for consumption on or off the premises where sold.

Subpart C—Unlawful Inducements

General

§ 6.21 Application.

Except as provided in Subpart D, it is unlawful for any industry member to induce, directly or indirectly, any retailer to purchase alcoholic beverages from the industry member to the exclusion, in whole or in part, of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce by any of the following means:

(a) By acquiring or holding any interest in any license with respect to the premises of the retailer;

(b) By acquiring any interest in the real or personal property owned, occupied, or used by the retailer in the conduct of his business;

(c) By furnishing, giving, renting, lending, or selling to the retailer, any equipment, fixtures, signs, supplies, money, services or other thing of value, subject to the exceptions contained in Subpart D;

(d) By paying or crediting the retailer for any advertising, display, or distribution service;

(e) By guaranteeing any loan or the repayment of any financial obligation of the retailer;

(f) By extending to the retailer credit for a period in excess of the credit period usual and customary to the industry for the particular class of transactions as prescribed in § 6.65; or

(g) By requiring the retailer to take and dispose of a certain quota of any alcoholic beverage.

Interest in Retail License

§ 6.25 General.

Industry members are prohibited from influencing or controlling the purchases of a retailer by acquiring or holding any interest in any license (State, county or municipal) with respect to the premises of a retailer.

§ 6.26 Indirect interest.

Industry member interest in retail licenses includes any interest acquired by corporate officials, partners, employees or other representatives of the industry member. Any interest in a retail license acquired by a separate corporation in which the industry member of its officials, hold ownership or are otherwise affiliated is an interest in a retail license.

§ 6.27 Proprietary interest.

(a) *Complete ownership.* Outright ownership of a retail business by an industry member is not prohibited.

(b) *Partial ownership.* Less than complete ownership of a retail business by an industry member constitutes interest in a retail license within the meaning of the Act.

Interest in Retail Property

§ 6.31 General.

Industry members are prohibited from influencing or controlling the purchases of retailers by acquiring an interest in real or personal property owned, occupied, or used by the retailer in the conduct of the business.

§ 6.32 Indirect interest.

Industry member interest in retail property includes any interest acquired by corporate officials, partners, employees or other representatives of the industry member. Any interest in retail property acquired by a separate corporation in which the industry member or its officials, hold ownership or are otherwise affiliated is an interest in retail property.

§ 6.33 Proprietary interest.

(a) *Complete ownership.* Outright ownership of a retail business by an industry member is not prohibited.

(b) *Partial ownership.* Less than complete ownership of a retail business by an industry member constitutes interest in retail property within the meaning of the Act.

§ 6.34 Mortgages.

The acquisition of a mortgage on a retailer's real or personal property by an industry member constitutes an interest in the retailer's property within the meaning of the Act.

§ 6.35 Renting display space.

The renting of display space by an industry member at a retail establishment constitutes interest in the retailer's property within the meaning of the Act.

Furnishing Things of Value

§ 6.41 General.

Subject to the exceptions listed in Subpart D, industry members are prohibited from influencing or

controlling the purchases of a retailer by furnishing, giving, renting, lending or selling to the retailer any equipment, fixtures, signs, supplies, money, services or other thing of value. Sections 6.42–6.49 are proscribed inducements within the meaning of the Act.

§ 6.42 Indirect inducements through third party arrangements.

The furnishing of payments, gifts or services by an industry member to a third party, such as a retail association or display company where the benefits resulting from such payments, gifts or services flow to individual retailers, is the indirect furnishing of a thing of value within the meaning of the Act.

§ 6.43 Sale of equipment.

Transactions in which equipment is sold to a retailer by an industry member, except as provided in § 6.87, is the furnishing of a thing of value within the meaning of the Act whether the industry member sells such equipment for a profit or at cost. Further, the negotiation by an industry member of a special price to a retailer for equipment from an equipment company is the furnishing of a thing of value within the meaning of the Act.

§ 6.44 Free warehousing.

The furnishing of free warehousing by delaying delivery of alcoholic beverages beyond the time that payment for the product is received, or if a retailer is purchasing on credit, delaying final delivery of the alcoholic beverages beyond the close of the period of time for which credit is lawfully extended, is the furnishing of a service or thing of value within the meaning of the Act.

§ 6.45 Assistance in acquiring license.

Any assistance (financial, legal, administrative or influential) given the retailer by an industry member in the retailer's acquisition of the retailer's license is the furnishing of a service or thing of value within the meaning of the Act.

§ 6.46 Free goods, discounts, rebates, and price reductions.

The providing of free goods whether similar or dissimilar to those purchased, discounts, rebates, and price reductions, constitutes the furnishing of money or thing of value within the meaning of the Act unless:

(a) They are based on agreements made at the time of sale between a retailer and the immediate supplier (Depletion allowances, floor stock adjustments, and other after the fact discounts constitute inducements within the meaning of the Act.); and

(b) They are reflected on the related sales invoices (all such invoices to be retained and be available for inspection on the permit premises for a five year period); and

(c) They are not so excessive that they represent a gift to the retailer. (Free goods, discouns, rebates, and price reductions which result in sales below the industry member's average "laid-in" cost over the preceding 12 month period are excessive and constitute gifts to the retailer. However, sales, even though below "laid-in" cost, which are transacted in order to introduce new products or to close-out discontinued items would not, in themselves, be regarded as inducements.); and

(d) They are based on a single sales transaction except as provided in § 6.90.

§ 6.47 Activities at a retail establishment.

Activities furnished a retail establishment, such as providing entertainment, is the furnishing of a thing of value within the meaning of the Act.

§ 6.48 Outside signs.

(a) *Furnished to retailers.* The furnishing of outside signs to retailers by an industry member is the furnishing of a thing of value within the meaning of the Act.

(b) *Benefiting a retailer.* The placement by an industry member of a "billboard" or "spectacular" sign, advertising alcoholic beverages, on the wall or roof of a building adjacent to or occupied by a retailer is the furnishing of a thing of value within the meaning of the Act if (1) the sign contains a panel identifying the retailer, or (2) the retailer is compensated, directly or indirectly (through a sign company) in conjunction with the placement of the sign.

§ 6.49 Items intended for consumers.

Except as provided in §§ 6.86 and 6.92, the furnishing of things of value such as trading stamps, coupons, non-alcoholic mixers, pouring racks, and the like to retailers is the furnishing of a thing of value within the meaning of the Act even though the industry member intends for the item to be distributed free of charge to consumers.

Paying for Advertising, Display or Distribution Service

§ 6.51 General.

Industry members are prohibited from influencing or controlling the purchases of a retailer by paying or crediting the retailer for any advertising, display or distribution service, whether or not the advertising, display or distribution service received is commensurate with the amount paid by the retailer. Sections 6.52–6.56 are proscribed inducements within the meaning of the Act.

§ 6.52 Cooperative advertising.

An arrangement where an industry member participates with a retailer in paying for an advertisement placed by the retailer constitutes paying the retailer for advertising within the meaning of the Act.

§ 6.53 Advertising in ballparks, racetracks, and stadiums.

The purchase, by an industry member, of advertising on signs, scoreboards, programs, scorecards, and the like at ballparks, racetracks or stadiums, from the retail concessionaire constitutes paying the retailer for an advertising service within the meaning of the Act.

§ 6.54 Advertising in retailer publications.

The purchase, by an industry memer, of advertising in a retailer publication for distribution to consumers or the general public constitutes paying the retailer for advertising within the meaning of the Act.

§ 6.55 Display service.

Industry member payments to retailers as compensation for setting up product or other displays constitutes paying the retailer for rendering a display service within the meaning of the Act.

§ 6.56 Renting display space.

A promotion whereby an industry member rents display space at a retail establishment constitutes paying the retailer for rendering a display service within the meaning of the Act.

Guaranteeing Loans

§ 6.61 Guaranteeing loans.

An industry member is prohibited from influencing or controlling the purchases of a retailer by guaranteeing any loan or the repayment of any financial obligation of a retailer.

Extension of credit

§ 6.65 General.

Industry members are prohibited from influencing or controlling the purchases of a retailer by the extension of credit to the retailer for a period of time in excess of 30 days from the date of delivery.

§ 6.66 Calculation of period.

For the purpose of this part, the period of credit is calculated as the time elapsing between the date of delivery of the alcoholic beverages and the date of full legal discharge of the retailer, through the payment of cash or its

equivalent, from all indebtedness arising from the transaction.

§ 6.67 Sales to retailer whose account is in arrears.

(a) A supplier who continues to sell to a retailer with purchases unpaid for a period in excess of 30 days will not be considered in violation of the 30 day limit on extension of credit, if—

(1) The amount in arrears does not exceed an average purchase by the retailer from the supplier over the preceding four month period, and

(2) Subsequent orders are accompanied by a payment equal to or greater than the value of the current order.

(b) *Example.* A retailer makes average purchases from a supplier of $1,000, and has an outstanding debt to that supplier of $5,000. That retailer would be required to reduce the outstanding debt to that supplier to $1,000 plus pay any current charges in full in order for the retailer to be considered not in arrears.

Quota Sales

§ 6.71 Quota sales.

An industry member is prohibited from influencing or controlling the purchases of a retailer by requiring a retailer to take and dispose of any quota of alcoholic beverages.

Subpart D—Exceptions

§ 6.81 General.

(a) *Application.* An industry member may furnish to a retailer equipment, inside signs, supplies, services, or other thing of value, under the conditions and within the limitations prescribed by this subpart. The furnishing of these items or services may not be conditioned on the purchase of distilled spirits, wine or malt beverages.

(b) *Recordkeeping requirements.* Industry members must keep and maintain adequate records on the permit premises, for a five year period, of all items and services furnished to retailers under this subpart. These records shall show:

(1) The name and address of the retailer receiving the item or service;

(2) The date furnished;

(3) The item furnished and/or service performed (including the name and address of the company performing the service if different than that of the industry member);

(4) The value of the service and/or the industry member's cost of the item furnished (determined by manufacturer's invoice price); and

(5) Charges to the retailer for any item or service sold.

§ 6.82 Cost adjustment factor.

(a) *General.* A "cost adjustment factor" will be used to periodically update the dollar limitations prescribed in this subpart. The Director, Bureau of Alcohol, Tobacco and Firearms, shall establish the adjusted dollar limitation when the adjusted change (as determined by a series of cost adjustment factors) amounts to at least $10.

(b) *Definition.* "Cost adjustment factor" is a percentage equal to the change in the Bureau of Labor Statistics consumer price index from the effective date of these regulations.

§ 6.83 Product displays.

(a) *General.* An industry member may furnish, give, rent, loan, or sell product displays to a retailer, subject to the limitations prescribed in paragraph (c) of this section.

(b) *Definition.* Product display means any wine racks, bins, barrels, casks, shelving, and the like from which alcoholic beverages are displayed and sold.

(c) *Conditions and limitations.* (1) The total value of all product displays furnished by an industry member under paragraph (a) of this section may not exceed $25 in use at any one time in any one retail establishment. The value of a product display is the actual cost to the industry member who initially purchased it. Transportation and installation costs are excluded.

(2) Industry members may not pool or combine their dollar limitations in order to provide to a particular retailer a product display valued in excess of $25.

(3) Product displays shall bear conspicuous and substantial advertising matter.

§ 6.84 Inside signs.

(a) *General.* An industry member may furnish, give, rent, loan, or sell to a retailer inside signs which bear advertising matter. Inside signs include such things as posters, placards, designs, mechanical devices, and window decorations.

(b) *Conditions and limitations.* Industry members may furnish inside signs to retailers under the following limitations:

(1) The inside sign shall have no value to the retailer except as an advertisement.

(2) The inside sign shall be used only in the windows or other interior portions of the retail establishment.

(3) The industry member may not directly or indirectly pay or credit the retailer for displaying the inside sign or for any expense incidental to its operation.

(4) The total value of all inside signs, furnished by the industry member and in use at any one time in any one retail establishment may not exceed $75. The value of an inside sign is the actual cost of the sign to the industry member who initially purchased it. Transportation and installation expenses are excluded.

(5) Industry members may not pool or combine their dollar limitations in order to provide to a particular retailer inside signs valued in excess of $75.

§ 6.85 Retailer advertising specialties.

(a) *General.* An industry member may furnish, give, rent, loan, or sell retailer advertising specialities to a retailer if these items bear advertising matter and are primarily valuable to the retailer as point of sale advertising. These items include such things as trays, coasters, mats, meal checks, paper napkings, foam scrapers, back bar mats, thermometers, clocks, and calendars. An industry member may add the name or name and address of the retailer to the retailer advertising specialty.

(b) *Limitations.* (1) The total value of all retailer advertising specialities furnished by an industry member to a retailer may not exceed $50 in any one calendar year per retail establishment. The value of a retailer advertising specialty is the actual cost of that item to the industry member who initially purchased it. Transportation and installation costs are excluded.

(2) A single retailer advertising specialty may not exceed $20 in value.

(3) Industry members may not pool or combine their dollar limitations in order to provide a particular retailer with retailer advertising specialties valued in excess of $50 total or $20 for any single item.

§ 6.86 Consumer advertising specialties.

Consumer advertising specialties, such as ash trays, bottle or can openers, cork screws, shopping bags, matches, printed receipts, pamphlets, cards, leaflets, blotters, post cards, and pencils, which bear advertising matter may be furnished, given, or sold to a retailer for unconditional distribution by the retailer to the general public. The retailer may not be paid or credited in any manner directly or indirectly for this distribution service.

§ 6.87 Tapping accessories.

Tapping accessories, such as standards, faucets, rods, vents, taps, hoses, washers, couplings, vent tongues, and check valves, may be sold to a retailer and installed in the retailer's

establishment if the tapping accessories are sold at a price not less than the cost to the industry member who initially purchased those items, and if the price is collected within 30 days of the date of sale.

§ 6.88 Supplies.

Carbon dioxide gas or ice may be sold to a retailer, if sold in accordance with the reasonable open market price in the locality where sold, and if the price is collected with 30 days of the date of sale.

§ 6.89 Samples.

An industry member may furnish or give a sample of an alcoholic beverage to a retailer who has not previously purchased that particular product. For each retail establishment, the industry member may give not more than 3 gallons of any brand of malt beverage, not more than 500 milliliters of any brand of distilled spirits, and not more than 3 liters of any brand of wine. If the retailer is an agency of a State or a political subdivision of a State, the industry member may furnish up to 2 liters of any brand of distilled spirits. If a particular product is not available in a size within the quantity limitations of this section, an industry member may furnish to a retailer the next largest size.

§ 6.90 Cumulative discounts.

Quantity discounts based on an accumulation of purchases are allowable, subject to the following conditions:

(a) They shall be based on agreements made at the beginning of the discount period between a retailer and the immediate supplier. Terms of such agreements shall be stated on the initial sales invoice and shall specify the period of the discount, the product or products involved, the quantities of such products, and the amount of the discount;

(b) They shall extend for a specific period not to exceed 30 days in duration;

(c) They may not be so excessive that they represent a gift to the retailer. Cumulative discounts which result in sales below the industry member's average "laid-in" cost over the preceding 12 month period are excessive and constitute gifts to the retailer. However, sales, even though below "laid-in" cost, which are transacted in order to introduce new products or to close-out discontinued items would not, in themselves, be regarded as inducements within the meaning of the Act; and

(d) They shall be documented by an invoice or credit memorandum which is prepared at the time such discounts are paid and cross-referenced to both the initial sales invoice and all related sales invoices.

§ 6.91 Newspaper cuts.

Newspaper cuts, mats, or engraved blocks for use in retailers' advertisements may be furnished, given, rented, loaned, or sold by an industry member to a retailer selling his products.

§ 6.92 Combination packaging.

An industry member may package and distribute alcoholic beverages in combination with other items provided that:

(a) the items have no value or benefit to the retailer other than that of having the potential of attracting purchasers and thereby promoting sales; and

(b) the items are affixed to the bottle containing alcoholic beverages in such a manner that their removal prior to their distribution to the ultimate consumer would render the package unsaleable.

§ 6.93 Educational seminars.

An industry member may give or sponsor educational seminars for employees of retailers either at the industry member's premises or at the retail establishment. Examples would be seminars dealing with use of a retailer's equipment, training seminars for employees of retailers, or tours of industry member's plant premises. However, this section does not apply to industry members paying a retailer's expenses in conjunction with educational seminars.

§ 6.94 Consumer tasting or sampling at retail establishments.

An industry member may conduct tasting or sampling activities at a retail establishment. The industry member may purchase the alcoholic beverages to be used from the retailer, but may not purchase them from the retailer for more than the ordinary retail price.

§ 6.95 Consumer promotions.

(a) *Coupons.* An industry member may furnish to consumers, coupons which are redeemable at a retail establishment, provided:

(1) The coupons do not specify a particular retailer or group of retailers where such coupons can be redeemed; and

(2) The retailers are not reimbursed by the industry member for more than the face value of all coupons redeemed.

(b) *Direct offerings.* Contest prizes, premium offers, refunds, and like items may be offered by industry members directly to consumers. Retailers and officers and employees of wholesalers and retailers shall be excluded from participation.

§ 6.96 Coil cleaning service.

Coil cleaning service may be furnished, given or sold to a retailer of alcoholic beverages.

§ 6.97 Advertising service.

The names and addresses of retailers selling the products of an industry member may be listed in an advertisement of that industry member, if—

(a) The advertisement does not also contain the retail price of the product, and

(b) The listing is the only reference to the retailer in the advertisement and is relatively inconspicuous in relation to the advertisement as a whole.

Pictures or illustrations of retail establishments and laudatory references to retailers in industry member advertisements are not hereby authorized.

§ 6.98 Stocking and pricing service.

Industry members may, at a retail establishment, stock, rotate and price products which they sell, provided products purchased from other industry members are not altered or disturbed. The rearranging or resetting of all or part of a store or liquor department is not hereby authorized.

§ 6.99 Participation in retailer association activities.

An industry member may participate in retailer association activities as follows:

(a) An industry member may display its products at a convention or trade show.

(b) An industry member may rent display booth space if the industry member rents directly from the hotel or convention center and pays a rental fee which is not excessive or exhorbitant.

(c) An industry member may set-up its own hospitality suite which is independent from association sponsored activities.

(d) An industry member may purchase tickets to functions and pay registration fees if the payments for these tickets or registration fees are consistent with prices paid by all attendees, retailers and suppliers alike.

(e) An industry member may make diminutive payments for advertisements in programs or brochures issued by retailer associations at a convention or trade show subject to the following restrictions:

(1) The total payments made by an industry member for all such

advertisements do not exceed $75 per year for any retailer association.

(2) Industry members may not pool or combine their dollar limitations in order to purchase advertisements of greater value from a retailer association.

§ 6.100 Merchandise.

(a) *General.* An industry member, who is also engaged in business as a bona fide vendor of other merchandise (for example, groceries or drugs), may sell that merchandise to a retailer, if—

(1) The merchandise is sold at its fair market value,

(2) The merchandise is not sold in combination with distilled spirits, wines, or malt beverages, and

(3) The merchandise is itemized separately on the industry member's invoices and other records.

(b) *Merchandise covered in other sections of this part.* Equipment, fixtures, signs, supplies, services, and advertising specialties may be furnished to retailers only as provided in other sections within this part.

Paragraph 2. Delete Part 8: Credit Period to be Extended to Retailers of Alcoholic Beverages.

Paragraph 3. Add new Parts 8, 10 and 11 which read as follows:

PART 8—EXCLUSIVE OUTLET

Subpart A—Scope of Regulations

Sec.
8.1 General.
8.2 Territorial extent.
8.3 Application.
8.4 Jurisdictional limits.

Subpart B—Definitions

8.11 Meaning of terms.

Subpart C—Prohibited Practices

8.21 General.
8.22 Contracts to purchase alcoholic beverages.
8.23 Third party arrangements.
8.24 "Tie-in" sales.

Authority: The provisions of this Part 8 issued under 49 Stat. 981, as amended (27 U.S.C. 205).

Subpart A—Scope of Regulations

§ 8.1 General.

The regulations in this part, issued pursuant to section 5 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify practices which are prohibited by subsection (a), "Exclusive outlet." this part does not attempt to enumerate all of the practices prohibited by section 5(a) of the Act. Nothing in this part shall operate to exempt any person from the requirements of any State law or regulation.

§ 8.2 Territorial extent.

This part applies to the several States of the United States, the District of Columbia, and Puerto Rico.

§ 8.3 Application.

(a) *General.* This part applies only to transactions between industry members and retailers. It does not apply to transactions between two industry members; for example, between a producer and a wholesaler.

(b) *Transactions involving State agencies.* The regulations in this part apply to transactions between industry members and State agencies operating as retailers as defined in this part. The regulations do not apply to State agencies with regard to their wholesale dealings with retailers.

§ 8.4 Jurisdictional limits.

(a) *General.* The regulations in this part apply where:

(1) The industry member requires, by agreement or otherwise, a retailer to purchase alcoholic beverages from such industry member to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce; and

(2) if:

(i) The requirement is made in the course of interstate or foreign commerce; or

(ii) The industry member engages in the practice of using a requirement to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products; or

(iii) The direct effect of the requirement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce.

(b) *Malt beverages.* In the case of malt beverages, this part applies to transactions between a retailer in any State and a brewer, importer, or wholesaler of malt beverages inside or outside such State only to the extent that the law of such State imposes requirements similar to the requirements of section 5(a) of the Federal Alcohol Administration Act (27 U.S.C. 205(a)), with respect to similar transactions between a retailer in such State and a brewer, importer, or wholesaler of malt beverages in such State.

Subpart B—Definitions

§ 8.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms have the meanings given in this section. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by that Act.

Act. The Federal Alcohol Administration Act.

Industry member. Any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits; industry member does not include any agency of a State or political subdivision thereof, or an officer or employee of such agency.

Laid-in cost. The cost incurred by an industry member to place alcoholic beverages in inventory and would consist of the manufacturer's invoice price, freight, and related taxes.

Product. Distilled spirits, wine or malt beverages, as defined in the Federal Alcohol Administration Act.

Retailer. Any person engaged in the sale of distilled spirits, wine or malt beverages to consumers. This term does not include a wholesaler who makes incidental retail sales representing less than 10 percent of the wholesaler's total sales volume for the preceding two month period.

Retail establishment. Any premises where distilled spirits, wine or malt beverages are sold or offered for sale to consumers, whether for consumption on or off the premises where sold.

Subpart C—Prohibited Practices

§ 8.21 General.

It is unlawful for an industry member to require, by agreement or otherwise, that any retailer purchase alcoholic beverages from the industry member to the exclusion, in whole or in part, of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce. This prohibition includes purchases coerced by industry members, through acts or threats of physical or economic harm, as well as voluntary industry member-retailer purchase agreements.

§ 8.22 Contracts to purchase alcoholic beverages.

Any contractual agreement, written or unwritten, between an industry member and a retailer which has the effect of requiring the retailer to purchase alcoholic beverages from the industry member beyond a single sales transaction is prohibited. Examples of such contracts are:

(a) An advertising contract between an industry member and a retailer

requiring, expressly or impliedly, the purchase of the advertisers' products; or

(b) A sales contract awarded on a competitive bid basis which has the effect of prohibiting the retailer from purchasing from other industry members by:

(1) Requiring that for the period of the agreement, the retailer purchase a product or line of products exclusively from the industry member; or

(2) Requiring that the retailer purchase a specific or minimum quantity during the period of the agreement.

§ 8.23 Third party arrangements.

Industry member arrangements with non-retailers which result in the non-retailer requiring a retailer to purchase the industry member's products are prohibited. For example, a supplier enters into a contractural agreement or other arrangement with a third party. The third party, a ballclub, or municipal or private corporation, not acting as a retailer, leases the concession rights but maintains control over the purchasing operations of the retailer. The business arrangements entered into, between the industry member and the third party, may consist of such things as sponsoring radio or television broadcasting, paying for advertising, or providing other services or things of value. The third party, in consideration of the above, requires the retailer to purchase the industry member's products either exclusively or on a specified percentage basis.

§ 8.24 "Tie-in" sales.

A requirement that a retailer purchase one product in order to purchase another is probibited. This includes combination sales if one or more products may be purchased only in combination with other products and not individually. However, an industry member is not prohibited from selling at a special combination price, two or more kinds or brands of products to a retailer, provided (a) the retailer has the option of purchasing either item at the usual price and (b) the retailer is not required to purchase any item he or she does not want. A combination price which results in sales below the industry member's laid-in cost over the preceding 12 months may constitute the furnishing of a thing of value under § 6.46 of this chapter.

PART 10—COMMERCIAL BRIBERY

Subpart A—Scope of regulations

Sec.
10.1 General.
10.2 Territorial extent.
10.3 Application.
10.4 Jurisdictional limits.

Subpart B—Definitions

10.11 Meaning of terms.

Subpart C—Payments and Gifts

10.21 Payments and Gifts.

Subpart D—Bonus, Premium or Compensation

10.31 Bonus, premium or compensation.
10.32 Employee associations.
10.33 Gifts or payments to wholesalers.
10.34 Sales promotion contests.

Authority: The provisions of this Part 10 issued under 49 Stat. 981, as amended (27 U.S.C. 205).

Subpart A—Scope of regulations

§ 10.1 General.

The regulations in this part, issued pursuant to section 5 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify practices which are prohibited by subsection (c), "Commercial Bribery." This part does not attempt to enumerate all of the practices prohibited by section 5(c) of the Act. Nothing in this part shall exempt any person from the requirements of any State law or regulation.

§ 10.2 Territorial extent.

This part applies to the several States of the United States, the District of Columbia, and Puerto Rico.

§ 10.3 Application.

(a) *General.* The regulations in this part apply to transactions between industry members and employees, officers, representatives, or agents of trade buyers.

(b) *Transactions involving State agencies.* The regulations in this part apply to transactions between industry members and employees of State agencies operating as retailers, wholesalers, or both. The regulations do not apply to State agencies with regard to their dealings with employees, officers, or representatives of trade buyers.

§ 10.4 Jurisdictional limits.

(a) *General.* The regulations in this part apply where:

(1) The industry member induces a retailer to purchase alcoholic beverages from such industry member to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce; and

(2) If:

i (a) The inducement is made in the course of interstate or foreign commerce; or

ii (b) The industry member engages in the practice of using an inducement to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products; or

iii (c) The direct effect of the inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce.

(b) *Malt beverages.* In the case of malt beverages, this part applies to transactions between an employee, officer, representative, or agent of a trade buyer in any State and a brewer, importer, or wholesaler of malt beverages inside or outside such State only to the extent that the law of such State imposes requirements similar to the requirements of subsection 5(c) of the Federal Alcohol Administration Act (27 U.S.C. 205(c)), with respect to similar transactions between an employee, officer, or representative of a trade buyer in such State and a brewer, importer, or wholesaler of malt beverages in such State.

Subpart B—Definitions

§ 10.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms have the meanings given in this section. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by that Act.

Act. The Federal Alcohol Administration Act.

Industry member. Any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler of distilled spirits, wine or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits; industry member does not include any agency of a State or political subdivision thereof, or an officer or employee of such agency.

Officer. All corporate executives, including presidents, vice presidents, treasurers, and chief executive officers.

Product. Distilled spirits, wine or malt beverages, as defined in the Federal Alcohol Administration Act.

Trade buyer. Any person who is a wholesaler or retailer of distilled spirits, wine, or malt beverages.

Subpart C—Payments and Gifts

§ 10.21 Payments and gifts.

It is unlawful for an industry member directly or indirectly or through an

affiliate to induce a trade buyer to purchase the industry member's products, to the complete or partial exclusion of products sold or offered for sale by other persons in interstate or foreign commerce, by commercial bribery.

Subpart D—Bonus, Premium or Compensation

§ 10.31 Bonus, premium or compensation.

It is unlawful for an industry member, directly or indirectly or through an affiliate, to induce a trade buyer to purchase the industry member's products, to the complete or partial exclusion of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce, by offering or giving a bonus, premium or compensation to any officer, employee, or representative of the trade buyer. The bonus, premium or compensation need not be offered or given for the purpose of directly influencing a trade buyer to purchase from the seller, but rather is applicable if an industry member influences officers, employees or representatives of the trade buyer to promote sales of the industry member's products and thereby indirectly induces the trade buyer to purchase from the industry member.

§ 10.32 Employee associations.

Gifts, donations, and other payments such as for advertising in publications, by an industry member, to trade buyer employee associations are considered the same as bonuses, premiums or compensation given directly to the employees, since the benefits resulting from the gifts or payments flow to the individual members of the association.

§ 10.33 Gifts or payments to wholesalers.

Although industry members are not prohibited from offering or giving money or other thing of value to a wholesale entity (i.e., the corporation, partnership, or individual who owns the business), the wholesaler will be considered as acting as a mere conduit between his officers or employees and the industry member, if—

(a) There is an agreement or understanding, implied or explicit, that the money or thing of value will be passed on to the officers or employees, or

(b) It is obvious by the very nature of the item given (such as a free trip) that a pass through to the officers or employees is clearly contemplated, or

(c) The records of the receipient wholesaler do not accurately reflect such money or item as an asset of the wholesale entity, thus being subject to all ensuing tax consequences as distinguished from the reciept of the money or item as a personal asset of an officer or employee.

§ 10.34 Sales promotion contests.

Sales contests sponsored by an industry member which offer prizes directly or indirectly to trade buyers officers, employees or representatives are inducements within the meaning of the Act.

PART 11—CONSIGNMENT SALES

Subpart A—Scope of Regulations

Sec.
11.1 General.
11.2 Territorial extent.
11.3 Application.
11.4 Jurisdictional limits.

Subpart B—Definitions

11.11 Meaning of terms.

Subpart C—Unlawful Sales Arrangements

11.21 General.
11.22 Consignment and conditional sales.
11.23 Sales conditioned on the acquisition of other products.

Subpart D—Rules for the Return of Alcoholic Beverages

11.31 General.

Exchanges and Returns for Ordinary and Usual Commercial Reasons

11.32 Defective products.
11.33 Error in products delivered.
11.34 Products which may no longer be lawfully sold.
11.35 Termination of business.
11.36 Termination of franchise.
11.37 Change in product.
11.38 Discountinued products.
11.39 Products returned on past due account.
11.40 Seasonal dealers.

Returns for Reasons Not Considered Ordinary and Usual

11.41 Overstocked and slow-moving products.
11.42 Seasonal products.

Authority: The provisions of this Part 11 issued under 49 Stat. 981, as amended (27 U.S.C. 205).

Subpart A—Scope of Regulations

§ 11.1 General.

The regulations in this part, issued pursuant to section 5 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify sales arrangements prohibited by subsection (d), "Consignment sales" and contain guidelines concerning the return of alcoholic beverages from a trade buyer. This part does not attempt to enumerate all of the sales arrangements prohibited by section 5(d) of the Act. Nothing in this part shall operate to exempt any person from the requirements of any State law or regulation.

§ 11.2 Territorial extent.

This part applies to the several States of the United States, the District of Columbia, and Puerto Rico.

§ 11.3 Application.

(a) *General.* The regulations in this part apply to transactions between industry members and trade buyers.

(b) *Transactions involving State agencies.* The regulations in this part apply to transactions involving State agencies operating as retailers or wholesalers.

§ 11.4 Jurisdictional limits.

(a) *General.* The regulations in this part apply where:

(1) The industry member sells, offers for sale, or contracts to sell to a trade buyer engaged in the sale of distilled spirits, wines, or malt beverages, or for any such trade buyer to purchase, offer to purchase, or contract to purchase, any such products on consignment or under conditional sale or with the privilege of return or on any basis other than a bona fide sale, or where any part of such transaction involves, directly or indirectly, the acquisition by such person from the trade buyer or the agreement to acquire from the trade buyer other distilled spirits, wine, or malt beverages; and,

(2) If:

(i) The sale, purchase, offer or contract is made in the course of interstate or foreign commerce; or

(ii) The industry member engages in using the practice to such an extent as subtantially to restrain or prevent transactions in interstate or foreign commerce in any such products; or

(iii) The direct effect of the sale, purchase, offer or contract is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such trade buyer in interstate or foreign commerce.

(b) *Malt beverages.* In the case of malt beverages, this part applies to transactions between a retailer in any State and a brewer, importer, or wholesaler of malt beverages inside or outside such State only to the extent that the law of such State imposes requirements similar to the requirements of section 5(d) of the Federal Alcohol Administration Act (27 U.S.C. 205(d)), with respect to similar transactions between a retailer in such State and a brewer, importer, or wholesaler of malt beverages in such State.

Subpart B—Definitions

§ 11.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms have the meanings given in this section. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by that Act.

Act. The Federal Alcohol Administration Act.

Exchange. The transfer of alcoholic beverages from a trade buyer to an industry member with other alcoholic beverages taken as a replacement.

Industry member. Any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler of distilled spirits, wine or malt beverages, or as a bottler or warehouseman and bottler, of distilled spirits.

Product. Distilled spirits, wine or malt beverages, as defined in the Federal Alcohol Administration Act.

Return. The transfer of alcoholic beverages from a trade buyer to the industry member from whom purchased, for cash or credit.

Trade buyer. Any person who is a wholesaler or retailer of distilled spirits, wine or malt beverages.

Subpart C—Unlawful Sales Arrangements

§ 11.21 General.

It is unlawful for an industry member to sell, offer for sale, or contract to sell to any trade buyer, or for any such trade buyer to purchase, offer to purchase, or contract to purchase any products (a) on consignment; or (b) under conditional sale; or (c) with the privilege of return; or (d) on any basis other than a bona fide sale; or (e) if any part of the sale includes, directly or indirectly, the acquisition by such person of other alcoholic beverages from the trade buyer or the agreement to acquire other alcoholic beverages from the trade buyer. Transactions involving the bona fide return of products for ordinary and usual commercial reasons arising after the product has been sold are not prohibited.

§ 11.22 Consignment and conditional sales.

Any transaction in which title to the alcoholic beverages is not transferred at the time of shipment and which does not involve some form of settlement, either by cash or on an ordinary open account basis, would be contrary to the provisions of the Act, subject to § 11.4. "Consignment sales" are arrangements wherein the trade buyer is under no obligation to pay for the products until they are sold. A "conditional sale" is a transaction in which the seller maintains a security interest in the product.

§ 11.23 Sales conditioned on the acquisition of other products.

(a) *General.* A sale where any part of the sale involves, directly or indirectly, the acquisition by the industry member from the trade buyer, or the agreement, as a condition to present or future sales, to accept other products from the trade buyer is prohibited.

(b) *Exchange.* The exchange of one product for another is prohibited as a sales transaction conditioned on the acquisition of other products. However, the exchange of a product for equal quantities (case for case) of the same type and brand or product, in containers of another size or style is not considered an acquisition of "other" products and is not prohibited if there was no direct or implied privilege of return extended when the product was originally sold. Industry members may make price adjustments on products eligible for exchange under this paragraph.

Subpart D—Rules for the Return of Alcoholic Beverages

§ 11.31 General.

Section 5(d) of the Act provides, in part, that it is unlawful to sell, offer to sell, or contract to sell products with the privilege of return for any reason, other than those considered to be "ordinary and usual commercial" reasons arising after the product has been sold, subject to § 11.4. Sections 11.32 through 11.40 specify what are considered "ordinary and usual commercial reasons" for the return of alcoholic beverages, and outline the conditions and limitations for such returns.

Exchanges and Returns For Ordinary and Usual Commercial Reasons

§ 11.32 Defective products.

Products which are unmarketable because of product deterioration, leaking containers, damaged labels, or multilated and missing strip stamps may be exchanged for an equal quantity of identical products.

§ 11.33 Error in products delivered.

Any discrepancy between products ordered and products delivered may be corrected, within a reasonable period after delivery, by exchange of the products delivered for those which were ordered, or by a return for cash or credit against outstanding indebtedness.

§ 11.34 Products which may no longer be lawfully sold.

Products which may no longer be lawfully sold may be returned for cash or credit against outstanding indebtedness. This would include situations where, due to a change in law or regulation, a particular size or brand is no longer permitted to be sold.

§ 11.35 Termination of business.

Products on-hand at the time a trade buyer terminates operations may be returned for cash or credit against outstanding indebtedness. This does not include a temporary seasonal shutdown (see § 11.40).

§ 11.36 Termination of franchise.

When an industry member has sold products for cash or credit to one of its distributors and the distributorship arrangement is subsequently terminated, stocks of the product on-hand may be returned for cash or credit against outstanding indebtedness.

§ 11.37 Change in product.

A trade buyer's inventory of a product which has been changed in formula, proof, label or container (subject to § 11.42) may be exchanged for equal quantities of the new version of that product.

§ 11.38 Discontinued products.

When a producer or importer discontinues the production or importation of a product, a trade buyer's inventory of that product may be returned for cash or credit against outstanding indebtedness.

§ 11.39 Products returned on past due account.

An industry member may accept products in settlement of a bad debt.

§ 11.40 Seasonal dealers.

Wholesalers may accept the return of products from retail dealers who are only open a portion of the year, if the products are likely to spoil during the off season. These returns will be for cash or for credit against outstanding indebtedness.

Returns For Reasons Not Considered Ordinary and Usual

§ 11.41 Overstocked and slow-moving products.

The return of a product because it is overstocked or slow-moving does not constitute a return for "ordinary and usual commercial reasons".

§ 11.42 Seasonal products.

The return of products for which there is only a limited or seasonal demand,

such as holiday decanters and certain distinctive bottles, does not constitute a return for "ordinary and usual commercial reasons".

Signed: June 29, 1979.

William T. Drake,

Acting Director.

Approved: July 3, 1979.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 79-23763 Filed 7-31-79; 8:45 am]

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Wednesday
August 1, 1979

Part IV

Department of the Interior

Office of Surface Mining—Reclamation and Enforcement

Abandoned Mine Land Reclamation Program; Guidelines Covering Reclamation Standards

DEPARTMENT OF THE INTERIOR

Office of Surface Mining—Reclamation and Enforcement

Abandoned Mine Land Reclamation Program; Guidelines Covering Reclamation Standards

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Notice of decision to develop guidelines.

SUMMARY: OSM plans to publish guidelines establishing reclamation standards that should be considered for abandoned mine land programs and projects. OSM has published final rules in the October 25, 1978, **Federal Register** (43 FR 49933) which established the abandoned mine land reclamation program and procedures for administering this program. These rules did not include the reclamation standards that must be met on abandoned mine land reclamation work but indicated in the preamble to these rules that reclamation standards would be developed by a rulemaking process at a later date. OSM does not plan to develop regulations for reclamation standards for Abandoned Mine Lands Reclamation Programs but will issue guidelines that should be considered when Abandoned Mine Land programs and projects are developed. OSM plans to publish the proposed guidelines in October 1979 and the final guidelines in February 1980.

DATES: The comment period on the decision to develop guidelines for AML reclamation standards will extend until August 31, 1979. All writen comments must be received at the address given below under "address" by 5 p.m. on August 31, 1979.

ADDRESS: Written comments must be mailed or hand delivered to the Office of Surface Mining, Administrative Records Office, Room 135 South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, telephone 202–343–4728. All comments received will be available for further inspection at the same address.

FOR FURTHER INFORMATION CONTACT: Richard Nalbandian, Chief, Division of Reclamation Planning and Standards, Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, 202–343–4057.

SUPPLEMENTAL INFORMATION: Guidelines on reclamation standards will be developed and published in the **Federal Register**. These guidelines will cover the following general areas of concern:

1. Land, Water or Mineral Rights Requried for Reclamation—Effect on reclamation if mineral rights are severed from surface rights, type of ownership, i.e., private versus public, and other ownership related problems;

2. Jurisdictional Responsibilities—Effect on reclamation brought about by differing State or Federal agencies responsibilities and water rights requirements; i.e., what permits may be required and how do you meet the requirements mandated for the National Environmental Policy Act and the Fish and Wildlife Coordination Act review compliance and the protection of wetlands and floodplain areas, rare and endangerd species, and archeological and historic areas;

3. Purpose for which Reclamation is Proposed—Compatibility of proposed post-reclamation land use to existing land use of the site and the surrounding area and to the proposed use of land contained in any approved land use plan for the area;

4. Selections Process for Considering Reclamation Activities—

a. Technical Feasibility—Is the state-of-the-art sufficient to provide a solution to the problem?

b. Economic Feasibility—Are the funds available utilized in the most effective manner to carry out the basic requirements of Title IV of the Act?

5. Emergency Projects—Emergency reclamation projects are limited to those needed to protect life or property. This guideline will present the minimum reclamation criteria that must be considered for such projects;

6. Remining or Secondary Recovery in Conjunction with Reclamation Activities—When can Title IV requirements be applied to remining efforts?

7. Abandoned Structures—Reclaiming areas where structures such as coal tipples, coal processing facilities, equipment, material, etc., are located in the area to be reclaimed;

8. Borrow and Disposal Areas Created by Reclamation Activities—Reclamation activities for these areas must be protected the same as the abandoned mine areas;

9. Trial or Demonstration Practices—Use of new practices that appear or are known to be of value in lieu of standard practices. The guideline should address the conditions that must be met before the new practice can be used;

10. Project/Program Evaluation—Review of AML work including need for monitoring the effectiveness of reclamation activities to determine that the objectives of the fund have been met;

11. Operation and Maintenance of Completed Reclamation Work—Completed reclamation work requires some operation and maintenance efforts to assure that the reclamation becomes established or is maintained in an adequate working condition. This may range from applying lime and fertilizer to maintain a vegetative cover to operating a treatment plant to treat acid mine drainage. This guideline will address these requirements; and

12. Non-coal Projects and Impact Assistance—This guideline will address the selection procedure that must be considered for non-coal projects and impact assistance.

Specific guidelines for problems associated with the following control parameters will be developed:

1. Toxic Mine Drainage.
2. Active Slides and Slide Prone Areas.
3. Erosion and Sedimentation.
4. Vegetation.
5. Toxic Materials.
6. Hydrologic Balance.
7. Public Safety and Health.
8. Aesthetic and Visual Values.
9. Fish and Wildlife Values.
10. Air Quality.
11. Site Characteristics.

After the guidelines for the general areas of concerns and control parameters listed above are developed, each of the specific problems associated with surface and underground abandoned mines listed below will be analyzed to see if that specific problem is adequately covered by the guidelines. If it is not adequately covered, a discussion of the unique features of this specific problem will be added to an applicable guideline.

Specific examples of problems associated with abandoned surface mines, with a problem description are:

1. Highwalls—Exposed steep cuts not eliminated at the end of mining;

2. Slides—Both spoil and parent material that is slipping or is slide prone;

3. Outslope Spoil—Spoil resulting from contour mining that was deposited adjacent to or downslope from the mined area;

4. Abandoned Pits—Cuts resulting from mining activities that were not filled by spoil from the mining activities;

5. Impoundments—Areas that cause water to be trapped;

6. Refuse Areas Including Slurry or Outwash Areas—Disposal of coal processing waste;

7. Roads—Mining and access roads that were abandoned in an improper manner;

8. Spoil—Overburden material resulting from surface mining operations that was placed in an improper or unreclaimed manner;

9. Sediment Deposition—Sediments resulting from surface mined areas that restrict drainage patterns or affect the intended use of mined area or any downstream areas;

10. Mine Fires—Burning surface disposal areas resulting from underground and surface mines; and

11. Waste Disposal—Non-mining wastes disposed of in surface mines.

Specific examples of problems associated with abandoned underground mines, with a problem description are:

1. Subsidence—Caving of abandoned underground mines that cause a surface impact;

2. Mine Fires—Burning in abandoned underground workings that have a surface impact

3. Entries—Surface openings to abandoned underground workings;

4. Gas Vents—Gaseous pressures and noxious fumes that have a surface impact;

5. Mine Drainage—Drainage into or out of underground workings that result in a surface or subsurface impact;

6. Roads—Mining and access roads constructed to facilitate underground mining operations that were abandoned in an improper manner;

7. Impoundments—Areas that cause water to be trapped behind spoil material resulting from underground mining operations;

8. Refuse Areas—Disposal of coal processing wastes resulting from underground mining operations;

9. Mine Waste—Disposal of spoil material resulting from underground mining operations in an improper or unreclaimed manner;

10. Sediment Deposition—Sediments resulting from underground mining operations that restrict drainage patterns or affect the intended use of downstream areas;

11. Slides—Slides resulting from underground workings; and

12. Waste Disposal—Non-mining wastes disposed of in underground workings.

Paul L. Reeves,

Deputy Director, Office of Surface mining Reclamation and Enforcement.

[FR Doc. 79-23768 Filed 7-31-79; 8:45 am]

BILLING CODE 4310-05-M

federal register

Wednesday
August 1, 1979

Part V

Department of Agriculture

Agricultural Marketing Service

Livestock: Grades and Standards for Feeder Cattle

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 53

Livestock (Grades and Standards for Feeder Cattle)

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: This document revises the official United States standards for grades of feeder cattle. Changes in the kinds of cattle being produced in the United States since the present standards were adopted in 1964, linked with changes made in the slaughter cattle and beef carcass standards in 1976, make a revision necessary. This grading system for thrifty feeder cattle involves separate identifications for variations in frame size and muscle thickness. The frame size portion of the grade—the most important consideration—effectively identifies feeders for the weight at which they are expected to produce carcasses of a given grade—U.S. Choice, for example. The portion of the grade related to thickness identifies feeders for the effect that differences in muscle thickness will have on the ultimate USDA yield grade of their carcass.

On May 1, 1979, a notice of proposed rulemaking was published in the **Federal Register** (Vol. 44, No. 85, 25614), Part VI, regarding a revision of the grades and standards for feeder cattle (7 CFR Part 53.208–53.212).

A 61-day comment period was provided for interested persons to submit written data, views, or arguments concerning the proposal. During this period, Department Livestock Standardization technicians appeared at several industry meetings to explain the proposal.

The comments and other information available to the Department relative to the proposal have been carefully evaluated. Based on that evaluation, the Department has concluded that adoption of the standards as proposed is in the best interest of the livestock industry.

EFFECTIVE DATE: September 2, 1979.

FOR FURTHER INFORMATION CONTACT: W. Edmund Tyler, 202–447–5679.

SUPPLEMENTARY INFORMATION: The present U.S. standards for grades of feeder cattle were promulgated September 25, 1964. Since 1964, these official standards have been used by the Department as the basis for market reporting of feeder cattle prices and the basis for certifying the grade of feeder cattle delivered on futures contracts. They also are used by States which conduct official feeder cattle grading programs.

Recognizing the changes in size and body type that have occurred, in the cattle population, the Department appointed a special task force in 1973 to review the adequacy of the 1964 standards and to recommend any changes that might be needed. That task force was composed of USDA Livestock Division specialists and State department of agriculture specialists directly responsible for conducting livestock grading programs in their respective States.

The task force report concluded (1) that the present standards were not widely accepted as a tool for use in trading on feeder cattle, (2) that the feeder cattle type had changed dramatically since 1964, and (3) that new standards which better reflect the needs of the feeder cattle industry should be developed.

That task force also concluded that frame size and muscle thickness were two of the most important factors affecting merit (value) in feeder cattle that were not otherwise readily apparent—sex, weight, age, etc. The task force recommended that these two factors be used as the basis for revised standards and that a grading system be developed in which the grade of a feeder animal would include separate identifications for each of these factors. Separate identification for these two important variables was considered essential since frame size and muscle thickness are not necessarily related, and a single system combining these factors would result in individual grades containing cattle of varying frame sizes and muscle thicknesses.

The frame size and muscle thickness concept is valid because: (1) frame size is an inherent characteristic in cattle that is not affected by normal management practices. Frame size at a given age is highly correlated with an animal's mature size. Consequently, frame size is also highly correlated with the weight at which, under normal feeding and management practices, an animal will produce a carcass of a given grade. An evaluation of frame size is a useful tool for segregating animals into groups that are relatively homogeneous with respect to the weight at which they would have the same USDA quality grade. Therefore, to reflect differences in frame size, three frame size categories are used—Large Frame, Medium Frame, and Small Frame. In each of the frame size specifications, guidelines are given relative to the live weights at which steers and heifers would each be expected to produce U.S. Choice carcasses.

(2) Degree of muscle thickness is also an inherent characteristic which affects carcass yields of lean meat and differences in USDA carcass yield grades. Such differences can result in a thinly muscled animal having a Choice, Yield Grade 3 carcass, whereas the carcass of a thickly muscled animal may be a Choice, Yield Grade 2. Such a difference in yield grade is of considerable economic significance and thus is a valid reason for including a measure of muscle thickness as a factor in the standards for grades of feeder cattle. And, since variations in this factor are associated with differences in yield grade—not quality grade—the terms "No. 1," "No. 2," and "No. 3" have been selected to identify the three categories of thickness. A constant degree of fatness (slightly thin) is used in appraising the development of muscle thickness.

Thriftiness is an important value determining characteristic of feeder cattle because it relates to the animal's ability to grow and fatten normally. Cattle must be thrifty to be eligible for the frame size and muscle thickness grades. When unthrifty, they are graded inferior.

The Department considered the possible inclusion of fatness as a third grade factor for feeder cattle. However, this would greatly increase the number of grade combinations—from 9 to 27—which would likely render the application of the grades impractical. Using fatness in lieu of degree of muscle thickness was also considered, but this would result in cattle in a particular grade being so dissimilar in appearance that their marketability would be seriously impaired. For example, a pen of cattle of a given frame size and degree of fatness could range all the way from thick beef animals to animals of non-beef breeding which are narrow throughout. Adopting fatness as a grade factor would, at times, necessitate placing a different feeder grade on the same animal in different stages of its development. Also, cattle from the same herd may be graded differently from year to year depending on their plane of nutrition and management.

Variations in fatness have different effects on feeder cattle value, dependent on the relative price of slaughter cattle and cost of feedlot gain. Depending on the feeding regime to be followed, the age of the cattle, and the "feeding economics," cattle may bring either a premium or be discounted because they are fat or because they are thin.

Therefore, the Department believes that when degree of fatness is a significant factor affecting value, it should be used in market reports in addition to grade in order to be more descriptive of market conditions.

The Department has always recognized the need for a more factual basis for all of its livestock grade standards and has continually encouraged and supported research designed to identify and evaluate the factors that would accurately predict feeder cattle merit. Late in 1976, a draft proposal of feeder cattle standards was developed and submitted to interested persons for discussion purposes. The draft proposal was based on an evaluation of the research data available at the time from various research intitutions. Informal comments on the draft were solicited from university animal scientists, State departments of agriculture, livestock, breed, and farm organizations, and other industry interests. A vast majority commented favorably on the draft proposal. Almost concurrently, preliminary results from a feeder cattle study which raised questions concerning the use of muscling as a grade factor were presented at several meetings of cattle producers and feeders. Consequently, a proposal for new feeder grades was delayed until more research could be conducted, particularly with respect to muscling. In this effort, the Department cooperated with Texas A&M University, Colorado State University, and Monfort of Colorado in conducting a feeder cattle study (Monfort study) which began in September 1977 and was completed in March 1978. Nine hundred forty-four feeder steers were selected to represent broad variations in frame size and degree of muscling and they were fed to weights that correspoond to their frame size as defined in the 1976 proposed revision. Numerous subjective and objective evaluations were made on these cattle and their resultant carcasses. These data were then analyzed with respect to the effect of musling and frame size and the results indicated: (a) the larger the frame size the higher the rate of gain, the longer the period required to fatten, and the greater the live weight necessary to attain a given slaughter quality grade, (b) the greater the muscle thickness the higher the yield grade of the resulting carcasses, the greater the ribeye size, and the higher the muscle: bone ratio. In addition to the Monfort study, feeder and carcass data were collected on two hundred twenty-two steers in a cooperative study with the American Farm Bureau Federation. Results from these studies were comparable.

A total of 67 comments on the proposed standards for grades of feeder cattle were received during the comment period. Comments received included 14 from organizations with 5 of those from organizations of a national scope, 2 from beef cattle registry associations, 20 from State departments of agriculture, 24 from research and educational workers, and 7 from individuals and companies. The comments were overwhelmingly in favor of adopting the proposal. Several commentators, although they endorsed adoption, recommended slight adjustments or refinements. For the most part, these reiterated positions and recommendations which the Department had considered in developing the proposal. Recommended adjustments in the standards not included in the proposal fell generally into two categories:

A. Levels of muscle thickness.

B. Extra time for industry education before implementation.

With respect to muscle thickness, some suggested that the Department use the levels of muscling referenced in the 1976 draft proposal. In this draft proposal the Department intended for the levels of muscling referenced as No. 1, No. 2, and No. 3, to correspond with the muscling descriptions from Prime, Choice, and less than Choice grades described in the 1964 grade standards. This was changed prior to the May 1 proposal because some industry members were concerned that: (1) the muscling differences were not of sufficient magnitude to be used as a grade factor, (2) muscling differences in feeder cattle were not easily distinguished in young cattle, and (3) very thick muscling might cause production problems. These concerns by some industry members caused the Department to modify and deemphasize muscling requirements from that originally described in the 1976 draft.

A few commentators were concerned that the width of the No. 2 muscle thickness grade as proposed—this grade includes cattle formally in the Good and Standard grades—was too wide. Our research shows, that the variation in muscle thickness in cattle eligible for this grade does not justify reducing the width of the grade. Also, USDA Marketing Research Report No. 1073, "Grades of Fed Beef Carcasses", shows that the number of beef carcasses with U.S. Standard muscle thickness is only 0.4 percent. This compares with 25.1, 63.8, and 13.7 for the Prime, Choice, and Good Grades, respectively.

The Department is presently cooperating with the Colorado State Department of Agriculture and the Colorado State University in an extensive feeder cattle study designed to develop additional data with regard to muscling and its impact on beef production. The Department will analyze this data after completion of the study in 1983 to determine if the standards for grades of feeder cattle can be improved.

The Department does not believe that allowing extra time for industry education before implementing the standards is necessary. The Department bases this conclusion on the following: (1) these standards have been actively discussed by the industry since early 1977, (2) the proposal has been highly publicized in virtually all livestock trade magazines and publications, (3) a slide series and script explaining the proposal was distributed to most land-grant universities, State departments of agriculture, breed associations, and industry organizations, (4) for the most part, comments received by the Department during the commenting period indicated a thorough working knowledge of the proposal. Additionally, several States which conduct State graded feeder cattle sales have indicated they wish to use the revised standards this fall if they are implemented by September.

Accordingly, the official U.S. grades and standards for feeder cattle are revised, effective September 2, 1979, by changing §§ 53.208, 53.209, and adding 53.210–53.212 as follows:

§ 53.208 Feeder Cattle Grades.

(a) *Grade Factors.* (1) These standards apply only to cattle that have not reached the age of 36 months, except these grades may be used to describe stock cows for market reporting purposes.

(2) The grade of feeder cattle is determined by evaluating three general value-determining characteristics—frame size, thickness, and thriftiness.

(3) Frame size refers to the animal's skeletal size—its height and body length—in relation to its age. Thus, frame size evaluations are directly related to differences in mature size. At the same age, large frame cattle will be taller at the withers and the hips and longer bodied than small frame cattle.

(4) Thickness in feeder cattle refers to the development of the muscle system in relation to skeletal size. In feeder cattle of the same age and frame size variations in thickness are due to differences in bone structure, muscling, and degree of fatness. For purposes of

these standards, thickness is evaluated, assuming a constant degree of fatness—slightly thin. Thicker feeder cattle will have a higher ratio of muscle to bone when fed to the same degree of fatness and will have a higher yield grade.

(5) Thriftiness refers to the apparent health of an animal and to its ability to grow and fatten normally. In these standards unthrifty animals are those which are not expected to perform normally in their present state. This may be due to such factors as disease, parasitism, severe emaciation, or any condition that must be corrected before they could be expected to perform normally. Unthrifty feeder cattle may have any combination of thickness and frame size.

(b) *Grades.* (1) The grades of feeder cattle that have been determined to be thrifty include three separate groupings for different frame sizes—Large Frame, Medium Frame, and Small Frame and three separate groups for thickness—No. 1, No. 2, and No. 3. The nine resultant grades are as follows: Large Frame, No. 1; Large Frame, No. 2; Large Frame, No. 3; Medium Frame, No. 1; Medium Frame, No. 2; Medium Frame, No. 3; Small Frame, No. 1; Small Frame, No. 2; Small Frame, No. 3.

(2) The U.S. Inferior grade shall apply to all feeder cattle that have been determined to be unthrifty. Additionally, "double-muscled" (muscular hyperthrophy) cattle are graded Inferior because they cannot be expected to deposit intramuscular fat (marbling) normally.

§ 53.209 Application of Standards for Grades of Feeder Cattle.

(a) *General Principles.* (1) For the grades of feeder cattle, separate evaluations are made for thriftiness, frame size, and thickness. Each of these factors are very important to feeder cattle buyers and individually affect how cattle will perform in the feedlot. Additionally, variations in frame size and thickness have separate effects on the ultimate carcasses that are produced.

(2) Variations in frame size among feeder cattle primarily affect the composition of their gain in weight. The gain in weight of a large framed feeder animal of a given degree of thickness normally will consist of more muscle and bone—but less fat—than a smaller framed animal. Indirectly, therefore, at a given weight and thickness, large framed animals will have a lesser degree of fatness than smaller framed animals and will also have carcasses with higher yield grades—but lower quality grades. This means that if animals are fed to produce the same quality grades—Choice, for example—large framed cattle of a given thickness must be fed to heavier weights than cattle of the same thickness but which are smaller framed. In each of the frame size specifications, guidelines are given relative to the live weights at which steers and heifers may each be expected to produce carcasses with the degree of finish normally associated with the Choice grade (approximately 0.50 inch).

(3) Variations in thickness are reflected in differences in ribeye area and, therefore, relate primarily to the ultimate yield grade of the carcass that a feeder animal will produce. When marketed at a given weight, a thick animal of a given frame size will normally produce a higher yield grading carcass than an animal of the same frame size that is narrow throughout. This results from the fact that the thick animal, at a given weight, will have both a larger ribeye and a lesser degree of fatness. If cattle are fed to produce carcasses of the same quality grade—Choice, for example—thick feeders of a given frame size must normally be fed to slightly heavier weights than cattle of the same frame size which are not as thick.

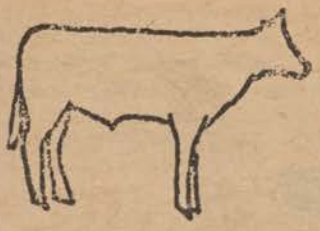
(4) The frame size portion of the grade is determined by an evaluation of an animal's skeletal size in relation to its age. Since age is such an important factor in determining frame size, careful consideration must be given to its evaluation. For example, two feeder cattle from the same environment with the same height and body length but which differed substantially in age would obviously not be the same frame size. By the same token, at a given age, a taller, longer bodied feeder animal will be larger framed than a short bodied animal that is not as tall. As feeder cattle mature, their heads appear to increase in relation to the size of their body; their ears decrease in size in relation to the size of their heads; the muzzle becomes proportionately wider; the head becomes longer in relation to its width; the feet become larger in relation to the size of the bone; and the tail increases in length and exhibits a more prominent switch. In evaluating feeder cattle for frame size, it must be remembered that breeds differ in the general range of their frame size and that since these standards apply to all breeds, this variation in frame among breeds must be taken in account. For example, in these standards, the largest framed cattle in a breed of small mature size—and the smallest framed cattle in a breed of large mature size—might both be considered as Medium in frame size.

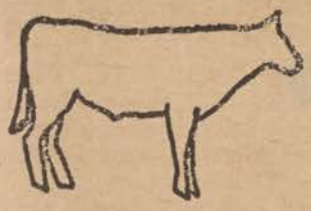
(5) The thickness portion of the grade is determined by appraising the development of the muscular system in relation to the development of the skeletal system. Two of the three thickness grades include detailed descriptions of the thickness and fullness of the feeder cattle in the various parts due to differences in bone structure and muscling. However, since the appearance of these parts may be influenced to a considerable extent by variations in fatness, the descriptions are based on animals that have a slightly thin covering of fat. When evaluating the thickness of animals which have either a greater or lesser degree of fatness than that on which the standards are based, proper allowances must be made for the effect of these differences on the appearance of the various parts. In making such allowances, it must be remembered that cattle deposit fat at a relatively faster rate over the loin and back and in the flank, cod or udder, twist, and brisket than they do through the rear quarter, forearm, and gaskin. Therefore, as cattle increase in fatness, these former parts appear progressively fuller, thicker, and more distended in relation to the thickness through the rear quarter and to the fullness of the forearm and gaskin. Since relatively little fat is deposited over these latter parts, their appearance is affected relatively little by variations in fatness. In evaluating the thickness of feeder cattle, it is important to properly evaluate the thickness in all parts of the animal. However, since variations in fatness make it especially difficult to precisely evaluate the thickness and fullness of muscling in the loin and back, major emphasis should be placed on the development of muscling in the rear quarter, forearm, and gaskin as an indicator of overall thickness. Unless proper allowance is made for variations in fatness, animals carrying considerable finish may appear to have greater thickness throughout than actually is the case, whereas those which are in very thin condition may be inherently thicker than their appearance might indicate.

§ 53.210 Specifications for Official United States Standards for Grades of Thrifty Feeder Cattle (Frame Size).

(a) *Large Frame (L).* Feeder cattle which possess typical minimum qualifications for this grade are thrifty, have large frames, and are tall and long bodied for their age. Steers and heifers would not be expected to produce U.S. Choice carcasses (about 0.50 inch fat at twelth rib) until their live weights

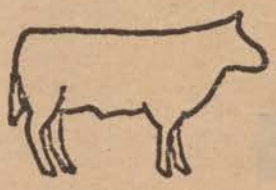
exceed 1200 pounds and 1000 pounds, respectively.





(b) *Medium Frame (M).* Feeder cattle which possess typical minimum qualifications for this grade are thrifty, have slightly large frames, and are slightly tall and slightly long bodied for their age. Steers and heifers would be expected to produce U.S. Choice carcasses (about 0.50 inch fat at twelth rib) at live weights of 1000 to 1200 pounds and 850 to 1000 pounds, respectively.





(c) Small Frame (S). Feeder cattle included in this grade are thrifty, have small frames, and are shorter bodied and not as tall as specified as the minimum for the Medium Frame grade. Steers and heifers would be expected to produce U.S. Choice carcasses (about 0.50 inch fat at twelfth rib) at live weights of less than 1,000 pounds and 850 pounds, respectively.





§ 53.211 Specifications for official U.S. standards for grades of thrifty feeder cattle (thickness).

(a) *No. 1.* Feeder cattle which possess minimum qualifications for this grade usually show a high proportion of beef breeding. They must be thrifty and slightly thick throughout. They are slightly thick and full in the forearm and gaskin, showing a rounded appearance through the back and loin with moderate width between the legs, both front and rear. Cattle show this thickness with a slightly thin covering of fat; however, cattle eligible for this grade may carry varying degrees of fat.



(b) *No. 2.* Feeder cattle which possess minimum qualifications for this grade are thrifty and are narrow through the forequarter and the middle part of the rounds. The forearm and gaskin are thin and the back and loin have a sunken appearance. The legs are set close together, both front and rear. Cattle show this narrowness with a slightly thin covering of fat; however, cattle eligible for this grade may carry varying degrees of fat.



(c) *No. 3.* Feeder cattle included in this grade are thrifty animals which have less thickness than the minimum requirements specified for the No. 2 grade.



§ 53.212 Specifications for official U.S. standards for the grade of unthrifty feeder cattle.

(a) *Inferior.* This grade includes those feeder cattle which are not expected to perform normally in their present state and those that are "double-muscled." Cattle in this grade may have any combination of thickness and frame size.

Dated: July 27, 1979.

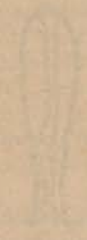
William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-23771 Filed 7-31-79; 8:45 am]

BILLING CODE 3410-02-M







federal register

Wednesday
August 1, 1979

Part VI

Department of the Treasury

Office of the Secretary

Bureau of Alcohol, Tobacco, and Firearms

Customs Service

Office of Revenue Sharing

Improving Government Regulations; Semiannual Agenda

DEPARTMENT OF THE TREASURY

[31 CFR Subtitle A]

Improving Government Regulations; Semiannual Agenda

AGENCY: Department of the Treasury.

ACTION: Semiannual Agenda for the Office of the Secretary and the Treasury Bureaus.

SUMMARY: In response to Executive Order 12044, "Improving Government regulations," and the Treasury Department Directive implementing that Executive Order, the Office of the Secretary has prepared and is publishing for public information a listing of its one significant regulation under review. The Comptroller of the Currency Semiannual Agenda will publish on August 15 instead of August 1, 1979. The Bureau of Engraving and Printing, the Federal Law Enforcement Training Center, the Bureau of the Mint and the U.S. Secret Service have no regulation projects under development or under review. Agendas for the Bureau of Alcohol, Tobacco and Firearms, the U.S. Customs Service and the Office of Revenue Sharing are published in this issue of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Steven L. Skancke, Deputy Executive Secretary, Department of the Treasury, Washington, D.C. 20220, (202) 566–2269.

SUPPLEMENTARY INFORMATION:

Office of the Secretary Semiannual Agenda

1. *Description/Justification:* Treasury regulations issued in response to the Freedom of Information Act (31 CFR Part 1, Subpart A) and the Privacy Act of 1974 (31 CFR Part 1, Subpart C) are under review for revision and updating. Revision is necessary to clarify and simplify exising Treasury regulations implementing these Acts. A regulatory analysis will not be necessary.

2. *Statutory Basis:* 5 U.S.C. 552 and 5 U.S.C. 552a.

3. *Knowledgeable Official:* Linda K. Zannetti, Department Disclosure Officer, (202) 556–5573.

By direction of the Secretary.

Dated: July 30, 1979.

Steven L. Skancke,

Deputy Executive Secretary.

[FR Doc. 79–23820 Filed 7–31–79; 8:45 a.m.]

BILLING CODE 4810–25–M

Bureau of Alcohol, Tobacco, and Firearms

[27 CFR Ch. I]

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Bureau of Alcohol, Tobacco, and Firearms (ATF).

ACTION: Semiannual Agenda of Regulations, significant and nonsignificant, under development and review.

SUMMARY: This semiannual agenda lists the regulations that ATF will be developing and reviewing from August 1, 1979, through February 1, 1980. The purpose of the semiannual agenda is to give the public adequate notice of ATF regulatory activities.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda, contact Ms. Armida N. Stickney or Mr. Charles N. Bacon.

For information about any particular item on the semiannual agenda, contact the individual listed in the second column, subheading "Contact," for that item.

Telephone number for all contact persons: 202–566–7626 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

General

Executive Order 12044, "Improving Government Regulations," and Treasury Directive 50–04.F, "Criteria and Procedures for the Preparation, Review and Approval of Regulations," require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. In the **Federal Register** of Wednesday, November 1, 1978, the Department of Treasury announced that ATF will publish its semiannual agenda on February 1 and August 1 of each calendar year.

The first semiannual agenda of the Bureau of Alcohol, Tobacco, and Firearms was published in the **Federal Register** on February 1, 1979 (44 FR 6686). This semiannual agenda provides a status report on those regulation projects which were listed in the first semiannual agenda. The next ATF semiannual agenda will be published in the **Federal Register** on Friday, February 1, 1980.

Description

This Semiannual Agenda of Regulations is divided into two parts. Part I lists all regulation projects concerned with the development of regulations which ATF has under consideration as of July 13, 1979. Part II lists, separately, existing regulations which are being reviewed pursuant to Treasury Directive 50–04.F, paragraph 12. A table, which defines abbreviations used throughout this semiannual agenda, follows Part II.

Part I and Part II are set-up in columnar form and are composed of the following divisions:

1. Title/Citation

The first column states briefly the subject of the regulation and the affected part number of Title 27 of the Code of Federal Regulations.

2. Summary

The second column includes—

A. *Description*—A description of the proposed or final rule, or of the regulatory matter under consideration;

B. *Need*—A brief statement of why the regulation is needed;

C. *Legal basis*—The legal basis for the action being taken;

D. *Contact*—the name of the person to be contacted for additional information;

E. *Status*—The current and/or anticipated chronology of the development of the regulation, including any final action taken since the last semiannual agenda;

F. *Regulatory analysis*—If a regulatory analysis is required for a regulation project, a statement to this effect will appear in this subdivision.

Issuance

By direction of the Secretary of the Treasury, this Semiannual Agenda of Regulations reads as set forth below.

Signed: July 24, 1979.

G. R. Dickerson,

Director.

Part I—*Regulations Under Development*

Title/Citation	Summary
	Alcohol
50 ml container for wine 27 CFR 4.73	A. *Description:* This revision would add a 50 ml (1.7 fluid ounce) size to the standards of fill for wine. B. *Need:* Some types of wine, especially sherry and port wines, have traditionally been produced in a miniature size for sale by airlines and railroads. Under current regulations, a size smaller than 100 ml can no longer be used in the United States. C. *Legal Basis:* 27 U.S.C. 205. D. *Contact:* Charles N. Bacon. E. *Status:* Revision under internal development; NPRM targeted for September 1979.
Grape Brandy 27 CFR Part 5	A. *Description:* ATF will consider whether standards of identity for "varietal grape brandy" should be added to the present labeling designations of "brandy" and "grape brandy". B. *Need:* Responds to a petition to permit the production and sale of brandies produced from specific varieties of grapes. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* Armida N. Stickney. E. *Status:* ANPRM under Treasury review.
Prohibited Trade Practices under the FAA Act; 27 CFR Parts 6, 8, 10, and 11.	A. *Description:* Implements the trade practice subsections, 5(a)-5(d), of the FAA Act. Regulations will specify practices which are prohibited by the FAA Act and will list exceptions to those prohibitions. B. *Need:* Provisions of the FAA Act have been implemented through letters, ATF Rulings, and circulars. A need exists to update, revise and codify these rulings. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* Charles N. Bacon. E. *Status:* NPRM to be published in July/August 1979. Public hearings in September 1979.
American Viticultural Areas; 27 CFR Part 9	A. *Description:* A new Part 9 entitled American Viticultural Areas would be added to Title 27 of the Code of Federal Regulations and would list approved viticultural areas to be used as American appelations of origin in accordance with 27 CFR Part 4 (Appellation of Origin Regulations). B. *Need:* A new part needs to be added to 27 CFR Chapter I in order to list approved American viticultural areas. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* Armida N. Stickney. E. *Status:* T.D. w/o N. under ATF review; publication targeted for August 1979.
Proposed Viticultural Area (Augusta, Missouri); 27 CFR 9.22.	A. *Description:* Establishes an American viticultural area for labeling and advertising of wine. B. *Need:* Responds to a petition from an industry member to establish a viticultural area. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* Tom Minton. E. *Status:* NPRM published July 17, 1979 (44 FR 41487).
Proposed Viticultural Area (The Pinnacles, California); 27 CFR Part 9.	A. *Description:* Establishes an American viticultural area for the labeling and advertising of wine. B. *Need:* Responds to a petition from an industry member to establish a viticultural area. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* Tom Minton. E. *Status:* NPRM under internal development; publication targeted for October 1979.
Proposed Viticultural Area (Napa Valley, California); 27 CFR Part 9.	A. *Description:* Establishes an American viticultural area for labeling and advertising of wine. B. *Need:* Responds to a petition from an industry member to establish a viticultural area. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* Tom Minton. E. *Status:* NPRM under internal development; publication targeted for October 1979.
Regulations to Implement the Distilled Spirits Tax Revision Act of 1979; 27 CFR Parts 4, 5, 170, 186, 194, 197, 200, 201, 211, 212, 213, 231, 240, 250, 251, and 252.	A. *Description:* The Distilled Spirits Tax Revision Act of 1979 will (1) eliminate the wine gallon method for imposing the distilled spirits tax, (2) eliminate the rectification tax, and (3) convert DSP/s from the present distilled spirits tax system to an all-in-bond tax system. B. *Need:* The Act was recently passed by Congress as a part of the Trade Agreements Act of 1979 and will become effective on January 1, 1980. As a result, ATF is currently preparing interim regulations. C. *Legal basis:* The statutory provisions would be contained in 26 U.S.C. Chapter 51. D. *Contact:* Edward J. Sheehan. E. *Status:* ANPRM published on July 18, 1979 (44 FR 41833). Revision of regulations currently under development for an interim T.D.
New Completely Denatured Alcohol Formula; 27 CFR Parts 211 and 212.	A. *Description:* Establishes a new completely denatured alcohol formula suitable for blending in motor fuels. B. *Need:* Increased interest in and demand for gasohol as a way of reducing gasoline consumption results in the need for a new CDA formula. C. *Legal basis:* 26 U.S.C. 5241. D. *Contact:* John V. Jarowski. E. *Status:* T.D. w/o N. currently under internal development.

Part I—*Regulations Under Development* —Continued

Title/Citation	Summary
	Alcohol—Continued
Home Production of Beer and Wine; 27 CFR Parts 240 and 245.	A. *Description:* This T.D. revised and added regulations to (1) permit any adult to produce beer and wine in limited quantities for personal or family use, without payment of tax, and not for sale; (2) delete the registration requirement for the home production of wine; and (3) revise the definition of a brewer to exempt home brewing. B. *Need:* This T.D. implemented Pub. L. 95-458 which became effective February 1, 1979. C. *Legal basis:* Pub. L. 95-458; 26 U.S.C. 5042, and 5053. D. *Contact:* Edward J. Sheehan. E. *Status:* T.D. ATF-55 published February 6, 1979 (44 FR 7138) and effective February 1, 1979.
Alternate Premises between DSP/s and Bonded Wine Cellars; 27 CFR Parts 201 and 240.	A. *Description:* Allows proprietors of adjacent bonded wine cellars and DSP/s to alternate premises between their DSP/s and bonded wine cellars without having to submit qualifying documents each time they propose an alternation. B. *Need:* This regulation relieves industry and Government of an administrative burden without jeopardizing the revenue. C. *Legal basis:* 26 U.S.C. 7805. D. *Contact:* Armida N. Stickney. E. *Status:* This regulations is being incorporated into the complete revision of 27 CFR Part 201 (to incorporate the Distilled Spirits Tax Revision Act of 1979).
Determination of Color in White Wine and Treatment of Sherry with activated carbon; 27 CFR Part 240.	A. *Description:* ATF proposed to (1) replace the Lovibond Method with the Association of Official Analytical Chemists (AOAC) Method 11.B01-11.B02 for determining color in wine, (2) provide winemakers continuing authority to treat sherry with activated carbon in order to remove excess color, and (3) set a new limitation on the amount of activated carbon to remove the excess color in sherry. B. *Need:* To accommodate technological advances. C. *Legal basis:* 26 U.S.C. 5382 and 7805. D. *Contact:* Armida N. Stickney. E. *Status:* NPRM published July 10, 1979 (44 FR 40351); T.D. publication targeted for November 1979.
	Procedures and Practices
Seizures and Forfeitures; Carriers and Contraband Cigarettes; 27 CFR Part 72.	A. *Description:* This regulation would (1) implement section 111 of Pub. L. 95-410 (Customs Procedural Reform and Simplification Act of 1978) by increasing the appraised value of carriers from $2,500 to $10,000 and (2) implement Pub. L. 95-575 which provides that any contraband cigarettes involved in any violation of criminal law shall be subject to seizure and forfeiture. B *Need:* To implement the provisions of Pub. L. 95-410 and Pub. L. 95-575. C. *Legal basis:* 26 U.S.C. 7805, 49 U.S.C. 788, and 18 U.S.C. 2346. D. *Contact:* Armida N. Stickney. E. *Status:* T.D. w/o N. under ATF review; publication targeted for September 1979.
Tobacco Excise Tax Acceleration Project; 27 CFR Parts 270, 275, and 285.	A. *Description:* This regulatory project would change the deferral and return periods for tobacco excise taxpayments, and would use electronic wire transfers for the payment of those excise taxes. B. *Need:* This project would implement the cash management recommendations resulting from the President's Reorganization Project. C. *Legal basis:* 26 U.S.C. 5061(a), 5703(b), and 7805. D. *Contact:* Armida N. Stickney. E. *Status:* Currently under internal study and development; NPRM targeted for October 1979.
	Firearms
Security at Federal Firearms License Premises; 27 CFR Part 178.	A. *Description:* This project is to study the problem of thefts of firearms from Federal firearms dealers, and to determine if additional security requirements are necessary. B. *Need:* To further implement the Gun Control Act of 1968; study of firearms thefts, was directed by the decision in *NATIONAL COUNCIL TO CONTROL HANDGUNS vs. BLUMENTHAL,* United States District Court, District of Columbia, No. 77-1574, October 24, 1978. C. *Legal basis:* 18 U.S.C. 926. D. *CONTACT:* James A. Hunt. E. *STATUS:* Currently under internal study at ATF.
	Tobacco Products
Records Requirement for Cigarette Distributors; 27 CFR Part 296 Subpart F.	A. *Description:* Implements record-keeping provisions of Pub. L. 95-575 in order to curtail trafficking of contraband cigarettes. B. *Need:* Records would be useful in tracing the movement of cigarettes and making enforcement of this law easier. C. *Legal basis:* Pub. L. 95-575 (18 U.S.C. 2343). D. *Contact:* Tom Minton. E. *Status:* NPRM under review at Treasury; publication of T.D. targeted for October 1979

Part II—*Regulations Under Review*

Title/Citation	Summary
	Alcohol
Wine; Standard of Identify for Cider; 27 CFR Part 4.	A. *Description:* Liberalizes standard of identify for cider by permitting cider to be made from a mixture of apples and pears. B. *Need:* Responds to a petition from an industry member. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* Tom Minton. E. *Status:* ANPRM under review in ATF; publication targeted for August 1979.
Labeling of Wine; 27 CFR Part 4	A. *Description:* Amends labeling regulations to make bulk-packed wine for consumers conform to same labeling requirements as wine bottled in bottles. B. *Need:* Amendment would eliminate separate statements—"packed by" for containers over four liters, and "bottled by" for containers of four liters or less. This amendment would save money and standardize labels. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* James A. Hunt. E. *Status:* Amendment under internal development; NPRM targeted for October 1979.
Bottles per Shipping Case for Wine and Distilled Spirits; 27 CFR Parts 4 and 5.	A. *Description:* Eliminates the regulatory requirement that distilled spirits or wine be packed with a specified number of bottles per case. B. *Need:* The requirement to pack a specified number of bottles per case has resulted in numerous requests for exemptions due to various reasons. These exemptions have proven to be an administrative burden on ATF, and have hindered industry. Elimination of this requirement will remove an unnecessary restriction. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* James A. Hunt. E. *Status:* Revision under internal development; NPRM publication targeted for October 1979.
The Fetal Alcohol Syndrome; A Public Awareness Campaign; 27 CFR Parts 4, 5, and 7.	A. *Description:* A progress report on the ANPRM (43 FR 2186) summarized the pros and cons of warning labels and described a plan of action to inform the public about the possible dangers that maternal alcohol consumption can present to an unborn child. If after a reasonable period of time these plans of action do not provide a sufficient high level of public awareness to the problems associated with drinking and pregnancy, a warning label as a means of direct communication to the American public will be reconsidered. B. *Need:* Because of the medical and technical evidence submitted in response to the ANPRM, and to avoid unnecessary regulation, ATF has launched a public awareness campaign and is still assessing the warning label proposal. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* Armida N. Stickney or Charles N. Bacon E. *Status:* ANPRM published January 16, 1978 (43 FR 2186). Progress report published February 9, 1979 (44 FR 2186). An industry-Federal public awareness program has been formulated and is being implemented.
Advertising of Wine, Distilled Spirits, and Malt Beverages; 27 CFR Parts 4, 5, and 7.	A. *Description:* The advertising regulations under section 5(f) of the FAA Act are being reviewed for updating and possible revision. B. *Need:* Social and technological changes have made some existing regulation obsolete. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* Tom Minton. E. *Status:* ANPRM published on November 21, 1978 (43 FR 51808); extension of comment period published January 12, 1979 (44 FR 2603).
Partial Ingredient Labeling for Wine, Distilled Spirits, and Malt Beverages; 27 CFR Parts 4, 5, and 7.	A. *Description:* A major revision of FAA labeling requirements for all domestic and imported beverages would require that alcoholic beverage labels list essential components, colorings, flavorings, and preservatives. B. *Need:* This proposal is intended to assist consumers in identifying ingredients contained in alcoholic beverages. C. *Legal basis:* 27 U.S.C. 205. D. *Contact:* Norman P. Blake. E. *Status:* NPRM published February 2, 1979 (44 FR 6740); extension of comment period published June 4, 1979 (44 FR 14577); future action under consideration. F. *Regulatory analysis:* A Regulatory analysis is required and is under development.
Labeling of Distilled Spirits and Wine; 27 CFR Parts 5 and 7.	A. *Description:* Amends labeling requirements to simplify the minimum type size for statements appearing on distilled spirits or wine labels, and converts this size limitation to the metric system. B. *Need:* The present type-size requirement is difficult to interpret and enforce. As part of ATF's metrication program, the type-size requirements should be expressed in metric units. C. *Legal basis:* 27 U.S.C. 205(e). D. *Contact:* Steve Simon. E. *Status:* Currently under internal development; NPRM publication targeted for November 1979.
Transfer of Volatile Fruit Flavor Concentrate between Manufacturing Plants; 27 CFR 18.127.	A. *Description:* Allows volatile fruit flavor concentrate of 15-24% alcohol content to be transferred between volatile fruit flavor manufacturing plants of same ownership. B. *Need:* Concentrates cannot be transferred between manufacturing plants unless reduced in alcohol content. This amendment would liberalize a current restriction on plant operations without jeopardizing revenues. C. *Legal basis:* 26 U.S.C. 5511. D. *Contact:* James A. Hunt. E. *Status:* Revision under internal development; NPRM publication targeted for December 1979.

Part II—*Regulations Under Review* —*Continued*

Title/Citation	Summary
	Alcohol—Continued
Non-Beverage Drawback; 27 CFR Parts 170 and 197.	A. *Description:* This regulatory project will update, clarify, simplify, and reissue the regulations relating to manufacturers of non-beverage drawback products. B. *Need:* Changes in industry practices, ATF policy, ATF procedures, and possible improvements to the regulatory format necessitate the reissuance of these regulations. C. *Legal basis:* 26 U.S.C. 5131–5134. D. *Contact:* Steve Simon. E. *Status:* NPRM under internal development; publication targeted for May 1980.
Formulas for Rectified Products [Form 27-B, Supplemental]; 27 CFR Parts 170, 201, 250, and 252.	A. *Description:* This regulatory project would (1) redesignate the form number and change the title on formulas for rectified products, (2) allow rectifiers to submit a single formula for multiple plant coverage, (3) eliminate the requirement on formulas to include a statement of process, (4) eliminate the requirement for riders to formulas, (5) eliminate the use of new intermediate product formulas, and (6) add a requirement for a written statement from manufacturers of nonalcoholic flavors or blenders used in rectified product formulas showing the ingredients used and the quantities of any ingredients limited under FDA regulations. B. *Need:* This proposal would (1) reduce the number of formulas required to be filed with ATF and (2) expedite the processing and approval of formulas by ATF. C. *Legal basis:* 26 U.S.C. 5201, 5251, and 5025. D. *Contact:* Edward J. Sheehan. E. *Status:* These regulations are being incorporated into the complete revision of 27 CFR Part 201 (to incorporate the Distilled Spirits Tax Revision Act of 1979).
Distilled Spirits Liquor Bottles; 27 CFR Part 173	A. *Description:* Eliminates registration of liquor bottle manufactures with ATF Liquor bottle indicia requirement is amended to read "Liquor Bottle" and transferred to Parts 201, 250, and 251 B. *Need:* Regulation of this industry is no longer required to protect the revenue. C. *Legal basis:* 26 U.S.C. 5301 and 7805. D. *Contact:* Norman P. Blake. E. *Status:* T.D. currently under internal development; publication targeted for September 1979.
Strip Stamps and Alternate Devices; 27 CFR Parts 194, 201, 250, 251, and 252.	A. *Description:* Specific areas to be revised may include (1) the authorization to use alternatives to strip stamps; (2) the elimitation of references to serial numbers on strip stamps in the regulations; (3) the elimination of blue and white strip stamps and the substitution of green and red strip stamps, respectively; (4) the elimination of certain overprinting requirements on green strip stamps; and (5) redesignation of form numbers and changes in titiles for strip stamp forms. B. *Need:* These regulations implement the provisions of Pub. L. 94-569. C. *Legal basis:* 26 U.S.C. 5202, 5235, and 7805. D. *Contact:* Edward J. Sheehan. E. *Status:* NPRM published November 7, 1978 (43 FR 5806). T.D. under internal development.
Special Tax; 27 CFR Parts 179, 194, 197, 201, and 245.	A. *Description:* Implements adjustments in interest applicable to overpayments and underpayments of special tax, and conforms ATF regulations to changes made by the Internal Revenue Service on Form 11. B. *Need:* Regulations need to be revised to conform to Form 11, and to revise the interest rate statement. C. *Legal basis:* Pub. L. 93-625 and 26 U.S.C. 6621 and 7805. D. *Contact:* Steve Simon. E. *Status:* T.D. w/o N. under internal review; publication targeted for September 1979.
Bonding Requirements; 27 CFR Parts 197, 211, and 213.	A. *Description:* If proposed, certain bond requirements would be decreased or eliminated. B. *Need:* A study of bonding requirements and previous bond defaults has shown that it may be possible to decrease or eliminate bond requirements for some taxpayers without jeopardy to Federal revenues. C. *Legal basis:* 26 U.S.C. 5134 and 5272. D. *Contact:* Steve Simon. E. *Status:* Regulatory change currently under internal study.
Elimination of Bonding Requirements for Certain Experimental Gasohol DSP/s; 27 CFR 201.65.	A. *Description:* Reduces bonding requirements on certain experimental DSP/s producing alcohol for fuel use. B. *Need:* Eliminates an administrative burden for the Government and industry members. C. *Legal basis:* 26 U.S.C. 5312(b). D. *Contact:* Tom Minton. E. *Status:* Bonding requirements currently being studied within ATF.
Marks on Portable Containers of Tax Free Alcohol; 27 CFR Part 201.	A. *Description;* This T.D. deleted the requirement for DSP proprietors to mark the purpose of withdrawal on the Government side of each package or case of alcohol withdrawn free of tax. B. *Need:* Based on an internal review of regulations, ATF concluded that the permit number of the tax-free alcohol user on the Government head of a package or side of a case is sufficient information to indicate the purpose of withdrawal. C. *Legal basis:* 26 U.S.C. 5206. D. *Contact:* Edward J. Sheehan. E. *Status:* T.D. ATF-59 was published on July 6, 1979 (44 FR 39389).
Distilled Spirits Meters; 27 CFR Part 201.....	A. *Description:* Amends regulations to permit taxpayment gauging of distilled spirits by approved metering systems. B. *Need:* Technological advances have made possible an accurate distilled spirits meter. It may be possible to permit taxpayment gauging by this method. C. *Legal basis:* 26 U.S.C. 5552 and 7805 D. *Contact:* Steve Simon. E. *Status:* These regulations are being incorporated into the complete revision of 27 CFR part 201 (to incorporate the Distilled Spirits Tax Revision Act of 1979).

Part II—*Regulations Under Review*—Continued

Title/Citation	Summary
	Alcohol—Continued
Operational Losses of Distilled Spirits; 27 CFR Part 201.	A. *Description:* Increases the amount of allowable losses occurring during bottling operations at DSP/s. Current regulatory allowances are not providing adequate coverage of bottling losses. B. *Need:* To more closely align bottling loses with modern production methods. C. *Legal basis:* 26 U.S.C. 5008. D. *Contact:* Norman P. Blake. E. *Status:* NPRM published July 2, 1979 (44 FR 38573); T.D. publication targeted for August 1979.
Export Storage Facilities at DSP/s; 27 CFR Part 201.	A. *Description:* A liberalization of regulations relating to use of export storage facilities. These regulations would allow the transfer-in-bond of distilled spirits between different export storage facilities. B. *Need:* Present regulations are too restrictive relating to the use of export storage facilities. C. *Legal basis:* Pub. L. 95–176 (26 U.S.C. 5215). D. *Contact:* Charles N. Bacon. E. *Status:* These regulations are being incorporated into the complete revision of 27 CFR Part 201 (to incorporate the Distilled Spirits Tax Revision Act of 1979).
Samples of Distilled Spirits; 27 CFR Part 201	A. *Description:* A liberalization of regulations relating to the withdrawal and use of distilled spirits for research, development, or testing purposes. Specific changes would allow spirits to be withdrawn to central or commercial laboratories and would ease recordkeeping requirements. The schedule of samples would be given one day in advance rather than five days. B. *Need:* Present regulations are too restrictive with regard to the withdrawal of spirits for laboratory analysis or testing. C. *Legal basis:* Pub. L. 95–176 (26 U.S.C. 5214). D. *Contact:* Charles N. Bacon. E. *Status:* These regulations are being incorporated into the complete revision of 27 CFR Part 201 (to incorporate the Distilled Spirits Tax Revision Act of 1979).
Distribution and Use of Denatured Alcohol and Rum; 27 CFR Part 211.	A. *Description:* A reissuance of regulations relating to the distribution and use of denatured alcohol by bonded dealers and users. Requirements will be liberalized and made more simple. B. *Need:* Contains substantive rules which have not been significantly revised in the preceding six years and are complex and can be clarified and simplified. C. *Legal basis:* 26 U.S.C. 5271–5275. D. *Contact:* Charles N. Bacon. E. *Status:* Revision under internal development. NPRM expected in 1980.
Distribution and Use of Tax Free Alcohol; 27 CFR Part 213.	A. *Description:* Reissuance of regulations relating to the distribution and use of tax-free alcohol by qualified individuals. Requirements will be liberalized and made more simple. B. *Need:* Contains substantive rules which have not been significantly revised in the preceding six years and are complex and can be clarified and simplified. C. *Legal basis:* 26 U.S.C. 5271–5275. D. *Contact:* Charles N. Bacon. E. *Status:* Revision under internal development. NPRM expected in 1980.
Formulas for Denatured Alcohol and Rum; 27 CFR Part 212.	A. *Description:* This regulatory project will update, clarify, simplify, and reissue the regulations relating to formulas of denatured alcohol and rum. B. *Need:* Technological changes necessitate revision of 27 CFR Part 212 to conform with industry practice and changes in chemical terminology. C. *Legal basis:* 26 U.S.C. 5241. D. *Contact:* Steve Simon. E. *Status:* NPRM is under internal development; publication targeted for December 1979.
Wine; Public Use Forms; 27 CFR Parts 231 and 240.	A. *Description:* Eliminates several forms required to be kept by proprietors of wineries, and changes the information to be recorded to more accurately reflect operations at wineries. B. *Need:* The maintenance of these public use forms is unnecessary, and may be burdensome to some winery proprietors. C. *Legal basis:* 26 U.S.C. 5367. D. *Contact:* James A. Hunt. E. *Status:* NPRM published April 16, 1979 (44 FR 22473). T.D. under development and publication targeted for October 1979.
Wine; Recodification; 27 CFR Parts 240, 231, and 170 Subpart Z.	A. *Description:* Updates, simplifies, and clarifies regulations relating to wine. Incorporates all regulations and outstanding ATF rulings relating to the production of wine into one CFR Part. B. *Need:* Present rules are at times redundant and confusing. C. *Legal basis:* 26 U.S.C. 7805. D. *Contact:* Tom Minton. E. *Status:* ANPRM published May 22, 1979 (44 FR 2969); NPRM publication targeted for February 1980.
Production of Beer; 27 CFR Part 245	A. *Description:* A reissuance of regulations relating to the production of beer. Requirements will be simplified, and technological advances will be incorporated into the regulations. B. *Need:* Contains substantive rules which have not been significantly revised in the preceding six years, and which are complex and may be simplified and clarified.

Part II—*Regulations Under Review*—*Continued*

Title/Citation	Summary
	Alcohol—Continued
	C. *Legal basis:* 26 U.S.C. 5051-5056, 26 U.S.C. 5401-5417. D. *Contact:* Charles N. Bacon. E. *Status:* Revision under internal development; NPRM publication targeted for 1980.
Export of Bulk Beer; 27 CFR Parts 245 and 252....	A. *Description:* Allows the export of beer in bulk containers without payment of tax. B. *Need:* Eliminates an unnecessary burden on the brewing industry. C. *Legal basis:* 26 U.S.C. 5053. D. *Contact:* Tom Minton. E. *Status:* T. D. w/o N. under review within ATF.
U.S. Customs Certification on Distilled Spirits from Puerto Rico; 27 CFR PArt 250.	A. *Description:* This regulation changes the Customs certification on distilled spirits entering the United States from Puerto Rico. B. *Need:* The U.S. Customs Service does not consider Puerto Rican distilled spirits as an import; therefore, it is necessary to revise the certification procedures for these spirits which are brought into the United States from Puerto Rico. C. *Legal basis:* 26 U.S.C. 7805. D. *Contact:* James A. Hunt. E. *Status:* NPRM under internal development, publication targeted for December 1979.
Exportation of Wine, Distilled Spirits, and Malt Beverages; 27 CFR Part 252.	A. *Description:* This regulatory project will update, clarify, simplify, and reissue the regulations relating to the exportation of wine, distilled spirits, and malt beverages. B. *Need:* Present procedures for the certification of the export of alcoholic beverages are burdensome upon Government and industry, and do not work well in all cases. ATF has determined to study the export procedures and make necessary changes. C. *Legal basis:* 26 U.S.C. 7805. D. *Contact:* Steve Simon. E. *Status:* NPRM under internal development; publication targeted for December 1979.
Markings on Cases of Distilled Spirits for Export; 27 CFR Part 252.	A. *Description:* Deletes the regulatory requirement to mark cases of distilled spirits for export with the words "Without Payment of Tax" or "Drawback Claimed." B. *Need:* The requirement to mark cases of distilled spirits for export is burdensome to proprietors of DSP/s, and this requirement does not serve to protect the revenue. C. *Legal basis:* 26 U.S.C. 5206. D. *Contact:* Charles N. Bacon. E. *Status:* Revision under internal development. T.D. w/o N. publication targeted for September 1979.
	Explosives
Recodification and Redesignation of Explosives Regulations; 27 CFR Part 181.	A. *Description:* Recodification of explosives regulations which are to be updated, clarified, and simplified. It will further implement Title XI of the Organized Crime Control Act of 1970 and will adopt standards of safety and security. B. *Need:* The explosives regulations have not been significantly revised in the past six years. Many technological advances have made these regulations obsolete. C. *Legal basis:* 18 U.S.C. 847. D. *Contact:* James A. Hunt. E. *Status:* NPRM published August 3, 1977 (42 FR 39316); T.D. in review and publication targeted for September 1979.
	Firearms
National Firearms Act; 27 CFR Part 179.....	A. *Description:* These regulations would streamline the transfer procedures for title II weapons. B. *Need:* The NFA firearms regulations have not been significantly revised in the past six years. C. *Legal basis:* 26 U.S.C. 7805 and 26 U.S.C. Chapter 53. D. *Contact:* Armida N. Stickney. E. *Status:* This regulation project is under internal study.
	Tobacco Products
Importation of Tobacco Products; 27 CFR Part 275.	A. *Description:* Eliminates U.S. Customs Service involvement on importation of Puerto Rican tobacco products. Eliminates direct ATF supervision of tobacco product shipment from Puerto Rico. B. *Need:* Eliminates a regulatory burden for the Government and industry members. C. *Legal basis:* 26 U.S.C. 7805 D. *Contact:* Tom Minton. E. *Status:* NPRM under internal development; publication targeted for January 1980.
Manufacturer Identification on Tobacco Products Packages; 27 CFR Parts 270, 290, and 295.	A. *Description:* Removes a regulatory requirement relating to labeling. Permits identification of the manufacturer of cigarettes or cigars by means of a code on the label.

Part II—*Regulations Under Review*

Title/Citation	Summary
	Tobacco Products—Continued
	B. *Need:* Special permission for manufacturer identification by code has been approved for use on some labels in certain cases, and no jeopardy to the revenue has been experienced. Consequently, all manufacturers should be permitted to use this method, on the condition that ATF be permitted to identify the codes to any member of the public making a request for such identification. C. *Legal basis:* 26 U.S.C. 5723. D. *Contact:* Steve Simon. E. *Status:* NPRM currently under internal development; publication targeted for May 1980.
Markings on Packages of Large Cigars; 27 CFR Parts 270, 275, 290, and 295.	A. *Description:* This regulation removes the requirement to mark the wholesale price on packages of large cigars. This requirement was added by Pub. L. 94–455. B. *Need:* An ATF study disclosed that the requirement to mark wholesale prices on packages of cigars is unnecessary. C. *Legal basis:* Pub. L. 94–455 and 26 U.S.C. 7805. D. *Contact:* Steve Simon. E. *Status:* T.D. w/o N. targeted for December 1979.
Tobacco Products Transferred to Export Warehouses; 27 CFR Parts 275 and 290.	A. *Description:* Proposed regulations would implement Pub. L. 95–455, relating to transfer of liability for tobacco taxes and to exemptions from tobacco taxes. B. *Need:* There is a need to incorporate into regulations the changes made by section 1905 of Pub. L. 95–455. C. *Legal basis:* Public Law 94–455, 26 U.S.C. 5703 and 5704. D. *Contact:* Steve Simon. E. *Status:* Currently under internal consideration.
Exportation of Tobacco Products; 27 CFR Part 290.	A. *Description:* This regulatory project will update, clarify, simplify, and reissue the regulations relating to the exportation of tobacco products. B. *Need:* Changes in industry practices necessitate revision of Part 290. These regulations contain substantive rules which have not been significantly revised in the preceding six years and which are complex and need to be clarified. C. *Legal basis:* 26 U.S.C. 7805. D. *Contact:* Steve Simon. E. *Status:* NPRM under internal development; publication targeted for July 1980.
	Procedures and Practices
ATF Procedural Rules; 27 CFR Part 71	A. *Description:* Incorporates all of the procedural requirements which relate to ATF and which now appear in Internal Revenue Service Regulations (26 CFR Parts 301 and 601) into ATF procedural regulations. B. *Need:* Eliminates a source of confusion and places all of the procedural regulations into Title 27: Alcohol, Tobacco Products and Firearms. C. *Legal basis:* 26 U.S.C. 7805. D. *Contact:* Steve Simon. E. *Status:* T.D. w/o N. under internal development; publication targeted for December 1979.
Appeal Procedure for Claims for Abatement, Remission or Refund of Excise Taxes; 27 CFR Part 71.	A. *Description:* Establishes an appeal procedure whereby claims denied at the regional level may be appealed to the ATF Director. B. *Need:* Current regulations do not provide for an appeal process for a claimant who feels that a claim was unfairly denied by the regional regulatory administrator (except in the case of newly discovered information). C. *Legal basis:* 26 U.S.C. 7805. D. *Contact:* Steve Simon. E. *Status:* Target date for publication of T.D. w/o N. is October 1979.
Disclosure of Tax Return Information; 27 CFR Part 71.	A. *Description:* Proposed regulations would implement Title XIII of Pub. L. 94–455, relating to disclosure of tax return information. B. *Need:* Regulations may be needed to govern disclosure of tax return information, because of the changes made in this area by Pub. L. 95–455. C. *Legal basis:* 26 U.S.C. 7609. D. *Contact:* Steve Simon. E. *Status:* Currently under internal study.

Table of Abbreviations

Abbreviation	Meaning
ANPRM	Advance notice of proposed rulemaking.
ATF	Bureau of Alcohol, Tobacco and Firearms.
CFR	Code of Federal Regulations.
DSP	Distilled spirits plant.
FR	Federal Register.
FAA Act	Federal Alcohol Administration Act.
FDA	Food and Drug Administration.
NPRM	Notice of proposed rulemaking.
P. L.	Public Law.
T.D.	Treasury decision.
T.D. w/o N.	Treasury decision without notice.
Treasury	Department of the Treasury.

[FR Doc. 79–23821 Filed 7–31–79; 8:45 am]

BILLING CODE 4810–31–M

Customs Service

[19 CFR Ch. I]

Improving Government Regulations; Semiannual Agenda

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Executive Order 12044, "Improving Government Regulations", and the Treasury Department directive implementing that Executive Order, Customs has prepared and is publishing for public information a list of significant regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory project described in the agenda, communicate with the person identified as the "Contact". Comments or inquiries of a general nature should be directed to: Todd J. Schneider, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service, Room 2335, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202–566–8237).

SUPPLEMENTARY INFORMATION:

Background

On November 8, 1978, the Department of the Treasury published a report in the **Federal Register** (43 FR 52120) to implement EO 12044. The report included a directive that each Treasury bureau or office shall publish a semiannual agenda of significant regulations either under development or under review. The agenda is to describe each regulatory project ("project") being considered, the need for and legal basis for the action being taken, the name and telephone number of a knowledgeable agency official, and whether a regulatory analysis will be prepared. In addition, subsequent agendas will show the status of projects referred to in the previously published agenda. A notice published in the preliminary pages of the **Federal Register** on October 10, 1978 (43 FR xii), provides that Customs will publish its semiannual agenda on February 1 and August 1 of each year.

The following is the second semiannual agenda to be published by Customs. It has been determined that none of the projects listed will require a regulatory analysis under the criteria set out in the Executive Order and implementing Treasury directive.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). Specific statutory authority, if any, is indicated after the description of each project.

In accordance with the Treasury directive implementing EO 12044, no action, other than preliminary studies, may be taken on any project commenced after May 22, 1978, without Secretarial approval of a "work plan". Work on many of the described projects commenced before May 22, 1978, and therefore, no work plan will be prepared. For these projects, and others which are in an early stage of preparation, no work plans are available to the public. However, projects which either have had work plans approved or are the subject of documents published in the **Federal Register** (FR) as an advance notice of proposed rulemaking (ANPRM), a notice of proposed rulemaking (NPRM), or a final rule—Treasury Decision (T.D.), are identified by work plan number or **Federal Register** citation. Approved work plans are available to the public under the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552), and Part 103, Customs Regulations (19 CFR Part 103). Requests should be addressed to the Freedom of Information and Privacy Branch, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

By direction of the Secretary of the Treasury.

Dated: July 23, 1979.

William T. Archey,

Acting Commissioner of Customs.

Customs Service—*Semiannual Agenda*

Part I—*Regulations Under Development*

Title/Citation (19 CFR—)	Summary
Classification of merchandise/152.24	*Description:* Extension of time before examination by domestic producers of footwear samples appraised at American Selling Price. *Need:* To encourage timely submission of footwear samples to assist Customs in determining proper appraisement. *Authority:* 19 U.S.C. 1202, 1336, 1401a, 1402 *Contact:* Charles E. Wilson (202-566-8651) *Status:* Withdrawn in light of Multilateral Trade Negotiations agreements.
Foreign-trade zones/146.48	*Description:* Change of appraisement practice involving costs of processing and profit for certain merchandise produced in foreign-trade zones. *Need:* To encourage use of domestic labor and materials in foreign-trade zones. *Authority:* 19 U.S.C. 81h *Contact:* Thomas Lobred (202-566-2938) *Status:* NPRM published May 21, 1979 (44 FR 29489).
Entry of merchandise/141.89	*Description:* Modify the Special Summary Steel Invoice to require name of producer and, in some cases, sale price to first unrelated purchaser in U.S. *Need:* To assist Customs in enforcing the "Trigger Price Mechanism" relating to steel imports. *Authority:* 19 U.S.C. 166, 173, 1202, 1481, 1484 *Contact:* Frank Brennan (202-566-8235) *Status:* T.D. 79-79 published March 7 1979 (44 FR 12411).
Customs accounting procedure; Bonds/Parts 24 & 113.	*Description:* Charge interest on delinquent accounts of importers and others with Customs. *Need:* To encourage importers to pay Customs bills promptly and thereby improve cash-flow. *Authority:* 19 U.S.C. 1623 *Contact:* Robert B. Hamilton (202-566-2596) *Status:* Work Plan in review in Customs.
Customhouse brokers/Part 111	*Description:* Amend regulations relating to responsibilities of customhouse brokers. *Need:* To clarify responsibilities of customhouse brokers and to ensure uniform compliance with applicable regulations. *Authority:* 19 U.S.C. 1641 *Contact:* Edward B. Gable, Jr. (202-566-8047) *Status:* Work Plan 79-5 in review at Treasury Department.
Customs Bonds/Part 113	*Description:* Consolidation of Customs bonds and related forms. *Need:* To simplify bond structure and language preparatory to expansion of AMPS program. *Authority:* 19 U.S.C. 1623 *Contact:* Joseph Goody (202-566-2974) *Status:* NPRM under development.
Vessels; Drawback/Parts 4 & 22	*Description:* Conform regulations relating to Panama Canal Zone to provisions of Panama Canal Treaty. *Need:* Amendments required by Treaty of September 7, 1977 "Panama Canal Treaty." *Authority:* 19 U.S.C. 1466 *Contact:* Patrick J. Casey (202-566-5706) *Status:* T.D. under development.
Entry of noise-emitting merchandise; standards and labelling/Part 12.	*Description:* Regulations to administer the EPA noise emission standard and labelling requirements on certain imported merchandise. *Need:* To implement provisions of Pub. L. 92-572, "Noise Control Act of 1972". *Authority:* General *Contact:* Harrison Feese (505-566-8651) *Status:* NPRM under joint development by Customs and EPA.
American manufacturer's petitions/Part 175	*Description:* Reflect extension of procedures applicable to American manufacturer's petitions to cases involving antidumping and countervailing duties. *Need:* To implement provisions of Pub. L. 93-618, "Trade Act of 1974". *Authority:* 19 U.S.C. 1516 *Contact:* Theodore Hume (202-566-5476) *Status:* Withdrawal document under development in light of Multilateral Trade Negotiations agreements.
Entry of enery-using products; labeling/12.92	*Description:* Implement FTC labeling requirements for certain imported energy-using products. *Need:* Required by provisions of Pub. L. 94-163, "Energy Policy Conservation Act". *Authority:* General *Contact:* Harrison Feese (202-566-8651) *Status:* NPRM under joint development by Customs and FTC.

Customs Service—*Semiannual Agenda—Continued*

Title/Citation (19 CFR—)	Summary
Entry of electronic products/12.90 & 12.91	*Description:* Implement FTC labelling requirements for certain imported electronic products. *Need:* Required by provisions of Pub. L. 93-523, "Public Health Service Act". *Authority:* General *Contact:* Darrell Kast (202-566-5765) *Status:* NPRMs published September 5, 1975 (40 FR 41118) and July 27, 1976 (41 FR 31223). T.D. under joint development by Customs and FTC.
Copyrights/Part 133	*Description:* Amendments to regulations relating to recordation of copyrights with Customs. *Need:* To implement provisions of Pub. L. 94-533, "Copyright Act of 1976". *Authority:* 17 U.S.C. 1603 *Contact:* Samuel Orandle (202-566-5765) *Status:* NPRM under joint development by Customs and Copyright Office.
Relief from duties/Part 158	*Description:* Refund of duties and taxes on alcoholic beverages destroyed or damaged by disaster or breakage. *Need:* Conforming amendment required by Pub. L. 95-423. *Authority:* General *Contact:* Benjamin Mahoney (202-566-5778) *Status:* To be added to Customs Regulations Appendix (cross referenced to the Bureau of Alcohol, Tobacco and Firearms regulations.)
Vessels; navigation fees/4.98	*Description:* Amend fee schedule under which Customs charges and collects fees for specific services provided to vessels. *Need:* To implement provisions of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978". *Authority:* 31 U.S.C. 483a *Contact:* Jerry Laderberg (202-566-5706) *Status:* NPRM published May 25, 1979 (44 FR 303075).
Entry of merchandise; special permits for immediate delivery/Parts 141 & 142.	*Description:* Revise Consumption Entry (Customs Form 7501) to accommodate new entry procedures. *Need:* To implement provisions of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978". *Authority:* 19 U.S.C. 1484 *Contact:* William Wagner (202-566-5307) *Status:* Request for comments on the proposed form published May 23, 1979 (44 FR 29916).
Entry and liquidation/Parts 141, 142, and others	*Description:* Amendments relating to the entry and liquidation of merchandise. *Need:* To implement provisions of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978". *Authority:* 19 U.S.C. 467,1315,1484,1504,1505,1520,1559 *Contact:* Herbert Geller (202-566-5307) *Status:* NPRM published November 29, 1978 (44 FR 55774); T.D. in review at Treasury Department.
Importation of motor vehicles/12.73	*Description:* Conform regulations governing importation of motor vehicles under Clean Air Act to proposed EPA amendments on Federal emission standards. *Need:* To implement provisions of "Clean Air Act of 1955" as amended by Pub. L. 95-95. *Authority:* 19 U.S.C. 1484 *Contact:* Harrison Feese (202-566-8651) *Status:* NPRM under joint development by Customs and EPA.
Petroleum/Part 10	*Description:* Regulation of petroleum exports from Canada. *Need:* Conforming amendment required by Pub. L. 95-159. *Authority:* General *Contact:* G. Scott Shreve (202-566-5307) *Status:* T.D. under development.
Carnets (A.T.A.)/Part 114	*Description:* Extend use of international Customs document (A.T.A. carnet) to professional samples in transit. *Need:* To implement Customs Convention on A.T.A. Carnets (TIAS 6631). *Authority:* General *Contact:* Jerrald Worley (202-566-8607) *Status:* T.D. under development.
Carnets (E.C.S.)/Parts 10 & 114	*Description:* Discontinue use of international Customs document (E.C.S. carnet) relating to entry of commercial samples. *Need:* United States withdrawal from Customs Convention on E.C.S. Carnets (TIAS 6632). *Authority:* General *Contact:* Jerrald Worley (202-566-8607) *Status:* T.D. under development.
Appraisement of merchandise/Part 152	*Description:* Amendments required by new International Valuation Code agreed to in Multilateral Trade Negotiations. *Need:* Multilateral Trade Negotiations. *Authority:* Trade Agreements Act of 1979 *Contact:* Thomas Lobred (202-566-2938) *Status:* Work Plan under development.
Trade fairs/147.45	*Description:* Removal of trade fair merchandise from foreign-trade zones for consumption without permission of Foreign-Trade Zones Board. *Need:* Amendments required to implement provisions of Pub. L. 91-692. *Authority:* 19 U.S.C. 81h *Contact:* William Rosoff (202-566-5856) *Status:* NPRM under development (consolidated with "Customs bonds; letter of credit").

Customs Service—*Semiannual Agenda—Continued*

Title/Citation (19 CFR—)	Summary
Toxic substances/Part 12	*Description:* Administration of EPA prohibition against importation of certain chemical substances, mixtures, or articles. *Need:* To implement provisions of Pub. L. 94-469, "Toxic Substances Control Act". *Authority:* General *Contact:* Harrison Feese (202-566-8651) *Status:* NPRM under joint development by Customs and EPA.
Penalties/Parts 171, 172, and others	*Description:* Final amendments regarding penalties for violations of Customs and navigation laws. *Need:* To implement provisions of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978". *Authority:* 19 U.S.C. 1466, 1584, 1592, 46 U.S.C. 883, 49 U.S.C. 1509 *Contact:* Edward Rosse (202-566-8317) *Status:* T.D. 79-160 published June 4, 1979 (44 FR 31950).
Recordkeeping/Part 162 and others	*Description:* Final amendments regarding recordkeeping, reporting by customhouse brokers, trademarks, and disposition of forfeited distilled spirits, wines, and malt liquor. *Need:* To implement provisions of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978". *Authority:* 19 U.S.C. 1491, 1509, 1510, 1511, 1526 *Contact:* John Elkins (202-566-8237) *Status:* T.D. 79-159 published June 4, 1979 (44 FR 31962).
Liquidation of duties/159.9	*Description:* Use of courtesy notice of liquidation (Customs Form 4333-A). *Need:* U.S. Customs Court decision: *Reliable Chemical Company* v. *United States* (C.R.D. 78-11, June 26, 1978) *Authority:* 19 U.S.C. 1500, 1504 *Contact:* Benjamin Mahoney (202-566-5778) *Status:* Withdrawn. Incorporated into the final amendments relating to the entry and liquidation of merchandise (see "Entry and Liquidation" above).
Vessels; tonnage taxes and light money/4.22	*Description:* Add Nauru to list of countries whose vessels are exempt from special tonnage taxes and light money. *Need:* To provide reciprocity to Nauru-registered vessels. *Authority:* 46 U.S.C. 3, 121, 128, 141 *Contact:* Patrick Casey (202-566-5706) *Status:* T.D. 79-134 published May 10, 1979 (44 FR 27384).
Carries of bonded merchandise/112.11	*Description:* Revise criteria for designating private carriers of bonded merchandise to require only that they file bonds and transport their own property. *Need:* To lessen restrictions of prior regulation. *Authority:* 19 U.S.C. 1551 *Contact:* Donald Beach (202-566-5856) *Status:* Work Plan 70-19 approved; NPRM under development.
Vessels; forms substitution/4.99	*Description:* Authorize printing of Customs forms used in connection with the entry and clearance of vessels by private parties and foreign governments on metric A4 size paper. *Need:* To further U.S. policy regarding metric system and to facilitate international commerce. *Authority:* General *Contact:* John Mathis (202-566-5706) *Status:* Work Plan 79-9 approved; T.D. under development.
Vessels; equipment and repairs/4.14	*Description:* Status of Panama Canal Zone in regard to dutiability of fish net purchases by U.S.-flag vessels. *Need:* To clarify whether vessel repairs and equipment purchases by U.S. vessels in Canal Zone are subject to duty. *Authority:* 19 U.S.C. 1466, 1498 *Contact:* Jerry Laderberg (202-566-5706) *Status:* Withdrawn in light of Panama Canal Treaty.
Vessels; inward foreign manifest/4.7a	*Description:* Provide alternative reporting procedure for bill of lading numbers on cargo declaration forms. *Need:* To simplify reporting requirement. *Authority:* General *Contact:* John Mathis (202-566-5706) *Status:* T.D. 79-31 published January 29, 1979 (44 FR 5649).
Port of entry limits/101.3	*Description:* Clarification and extension of port of entry limits: Las Vegas, Nevada; Sault Ste. Marie, Michigan; Dalton Cache, Alaska; Minot, North Dakota; Saginaw-Bay City-Flint, Michigan; San Francisco, California. *Need:* To improve service to public. *Authority:* 19 U.S.C. 2; E.O. 10289 *Contact:* Robert Schenarts (202-566-8151) *Status:* T.D. 79-74 published March 5, 1979 (44 FR 12029).
Drawback/22.3 & 22.5	*Description:* Expiration of drawback rates, unless renewed, 15 years after issuance or approval. *Need:* To allow Customs to dispose of obsolete records. *Authority:* 19 U.S.C. 1313 *Contact:* Donald Beach (202-566-5856) *Status:* T.D. 79-65 published February 27, 1979 (44 FR 11061).
Port of entry limits/101.3	*Description:* Extend port of entry limits: Buffalo, New York; Puget Sound, Wash., and Providence, R.I.; abolish port of entry at South Bend-Raymond, Ind. *Need:* To improve service to public. *Authority:* 19 U.S.C. 2; EO 10289 *Contact:* Robert Schenarts (202-566-8151) *Status:* T.D. 79-169 published June 15, 1979 (44 FR 34478).

Customs Service—*Semiannual Agenda—Continued*

Title/Citation (19 CFR—)	Summary
Air commerce/6.3 & 6.8	*Description:* Simplification and clarification of aircraft clearance procedures. *Need:* To facilitate clearance of aircraft departing U.S. *Authority:* 49 U.S.C. 1509 *Contact:* John Mathis (202-566-5706) *Status:* Work Plan 79-6 approved; T.D. under development.
Port of entry limits/101.3	*Description:* Extend port of entry limits of Brownsville, Tex. *Need:* To improve service to public. *Authority:* 19 U.S.C. 2; EO 10289 *Contact:* Robert Schenarts (202-566-8151) *Status:* NPRM published February 9, 1979 (44 FR 8276); T.D. under development.
New Customs district/101.3	*Description:* Establish Customs district at Dallas-Ft. Worth, Tex. *Need:* To improve service to public. *Authority:* 19 U.S.C. 2; EO 10289 *Contact:* Robert Schenarts (202-566-8151) *Status:* NPRM published August 15, 1978 (43 FR 36108); T.D. under development.
Transportation in bond/18.8	*Description:* Increase amount of liquidated damages required by carrier's bond for shortage, failure to deliver, or irregular delivery of duty-free merchandise. Carrier also would be liable for duty on dutiable merchandise, as well as liquidated damages. *Need:* To clarify carrier's obligations under required bond and provide for liquidated damages as deterrent to violations. *Authority:* 19 U.S.C. 1551, 1623 *Contact:* William Rosoff (202-566-5856) *Status:* Work Plan 79-11 approved; NPRM under development.
Informal entries/143.23	*Description:* Provide for use of Customs Form 7523 for informal entry of non-commercial, duty-free merchandise, regardless of value. *Need:* Public benefit and Customs convenience. *Authority:* General *Contact:* Drury Williford (202-566-5354) *Status:* Work Plan 79-17 approved; NPRM under development.
Protests/Part 174	*Description:* Specification of Customs charges subject to protest. *Need:* To facilitate filing of protests. *Authority:* 19 U.S.C. 1514 *Contact:* Laurie Amster (202-566-8237) *Status:* Withdrawn as unnecessary.
Customs bonds; letter of credit/Part 113	*Description:* Authorize use of letter of credit in lieu of foreign-trade zone bond to guarantee payment of claims made by Customs against a foreign-trade zone operator. *Need:* To facilitate use of foreign-trade zones. *Authority:* 19 U.S.C. 81c, 1623 *Contact:* William Rosoff (202-566-5856) *Status:* NPRM under development (consolidated with "Trade fairs" above).
Inspection, search, and seizure/162.47	*Description:* Waiver of bond requirement by district director for individuals who show proof of inability to obtain bond. *Need:* Decisions of U.S. Courts of Appeals: *Wiren* v. *Eide,* 542 F. 2d 757 (9 Cir. 1976) and *Lee & Rich* v. *Thornton,* 538 F. 2d 27 (2 Cir. 1976). *Authority:* General *Contact:* Joseph Priddy (202-566-5746) *Status:* T.D. under development.
Personal declarations and exemptions/148.73	*Description:* Execution of written baggage declarations by military personnel. *Need:* To conform Customs and DOD regulations. *Authority:* General *Contact:* Donald Thompson (202-566-5706) *Status:* NPRM under development.
Drawback; bulk-fungible goods/22.5	*Description:* Allow drawback without actual use of bulk-fungible goods if substituted for goods of same kind/quality. *Need:* To extend to other articles privileges now applicable to petroleum products. *Authority:* General *Contact:* Donald Beach (202-566-5856) *Status:* NPRM in review at Treasury Department.
Contiguous countries; manifest discrepancies/123.9.	*Description:* Establish uniform procedures for handling manifest discrepancies of vehicles and certain vessels arriving from contiguous countries. *Need:* To facilitate entry of vessels and vehicles from Canada or Mexico. *Authority:* General *Contact:* Donald Reusch (202-566-5706) *Status:* NPRM published July 28, 1978 (43 FR 32817); T.D. under development.
Vessels; foreign repairs/4.7 & 4.14	*Description:* Revision of requirements and procedures for handling entries relating to foreign repairs and equipment purchases by U.S. vessels. *Need:* To expedite processing of entries. *Authority:* 19 U.S.C. 1466, 1498, 1514 *Contact:* James Fritz (202-566-5706) *Status:* NPRM published April 4, 1978 (43 FR 14060); T.D. under development.
Vessels; coastwise trade/4.80b	*Description:* Incorporate into regulations administrative rulings relating to transportation of merchandise in coastwise trade. *Need:* U.S. Court of Appeals decision: *American Maritime Assn. et al,* v. *Blumenthal,* 590 F.2d 1156 (1978); cert. den. May 14, 1979. *Authority:* 46 U.S.C. 883 *Contact:* William Hart (202-566-5706) *Status:* NPRM published September 14, 1978 (43 FR 46068); T.D. 79-193 published July 19, 1979 (44 FR 42175).

Customs Service—*Semiannual Agenda—Continued*

Title/Citation (19 CFR—)	Summary
Drawback; identification of entries/Part 22	*Description:* Require drawback entries be identified at time of entry. *Need:* To reduce delays in processing drawback claims. *Authority:* 19 U.S.C. 1313; 31 U.S.C. 483a *Contact:* George Steuart (202-566-8453) *Status:* ANPRM under development.
In-bond transportation of merchandise/Parts 18, 123 & 144.	*Description:* Change time limits and other rules relating to in-bond transportation of merchandise. *Need:* To give Customs greater control over merchandise transported in bond. *Authority:* 19 U.S.C. 1552, 1553, 1557, 1623 *Contact:* J. Bradley Lund (202-566-5354) *Status:* NPRM published August 13, 1976 (41 FR 34271) T.D. under development.
Entry of merchandise/141.89	*Description:* To revise the additional information required on entry of footwear. *Need:* To assist Customs in the appraisement and classification of imported footwear. *Authority:* 19 U.S.C. 1202, 1481, 1484 *Contact:* Linda Mays (202-566-2957) *Status:* NPRM published July 28, 1978 (43 FR 32819); after consideration of comments, a second NPRM under development.
Registration of merchandise/148.1	*Description:* New instructions for registration of personal effects taken abroad. *Need:* To ensure uniform registration procedures. *Authority:* 19 U.S.C. 1498 *Contact:* Bernard Harris (202-566-5354) *Status:* Work Plan under development.
Contiguous countries; manifest validation/123.41 & 123.42.	*Description:* Require truck driver carrying merchandise between U.S. and Canada to present manifest for validation by U.S. Customs at U.S. port of departure. *Need:* Jointly initiated by U.S. & Canadian Customs to prevent evasion of duty when merchandise re-enters U.S. from Canada on in-transit documentation. *Authority:* 19 U.S.C. 1553, 1554 *Contact:* J. Bradley Lund (202-566-5354) *Status:* NPRM published December 9, 1976 (41 FR 53810) T.D. under development.
Vessels; entry and clearance/Part 4	*Description:* Clarify entry and clearance requirements for U.S.-flag vessels departing for U.S. Virgin Islands. *Need:* To provide for uniform treatment of vessels in U.S.-Virgin Islands trade. *Authority:* General *Contact:* Donald Reusch (202-566-5706) *Status:* Withdrawn as unnecessary.
Contiguous countries; railroad equipment/123.12	*Description:* Admission of empty foreign railroad equipment without entry and payment of duty in certain instances. *Need:* To clarify permitted use of foreign railroad equipment. *Authority:* General *Contact:* Michael Tomenga (202-566-5706) *Status:* Work Plan 79-18 under development.

Part II—*Existing Regulations To Be Reviewed*

Title/Citation (19 CFR—)	Summary
Bonds/Part 18	*Description:* Transportation in bond and merchandise in transit. *Need:* To ensure consistency of format and style. *Contact:* Paul Hegland (202-566-8237) *Status:* Customs review of draft completed; NPRM under development.
Finance/Part 24	*Description:* Customs financial and accounting procedure. *Need:* To ensure consistency of format and style. *Contact:* Parul Hegland (202-566-8237) *Status:* Customs review of draft completed; NPRM under development.
Duties/Parts 10 & 54	*Description:* Articles conditionally free, subject to a reduced rate, etc., and certain importations temporarily free of duty. *Need:* To ensure consistency of format and style. *Contact:* John Roth (202-566-8237) *Status:* In review in Customs.
Freedom of Information/Part 103	*Description:* Availability of Information. *Need:* To conform to amendments to Freedom of Information Act made by Pub. L. 93-502. *Contact:* John Roth (202-566-8237) *Status:* NPRM in review at Treasury Department.

[FR Doc. 79-23822 Filed 7-31-79; 8:45 am]
BILLING CODE 4810-22-M

Office of Revenue Sharing

[31 CFR Part 51]

Semiannual Agenda of Regulations

AGENCY: Office of Revenue Sharing, Department of Treasury.

ACTION: Semiannual Agenda of Regulations.

SUMMARY: This is the semiannual agenda of the Office of Revenue Sharing regulations implementing the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 *et seq.*, as amended by the State and Local Fiscal Assistance Amendments of 1976, Pub. L. 94–488. The agenda is published pursuant to Executive Order 12044.

EFFECTIVE DATE: August 1, 1979.

FOR FURTHER INFORMATION: Contact: Herman Schwartz, Chief Counsel, Office of Revenue Sharing, Washington, D.C. 20226, (202) 634–5184.

SUPPLEMENTARY INFORMATION: Pursuant to Executive Order 12044 "On Improving Government Regulations", and Treasury Department Directive (TD–50 04.F) which implements that Executive Order, the Office of Revenue Sharing has prepared a semiannual agenda which sets forth the significant Revenue Sharing regulations under development and a list of significant existing regulations under review.

Among other amendments, Pub. L. 94–488 revised the nondiscrimination provisions of the State and Local Fiscal Assistance Act to include the prohibition against discrimination on the basis of handicap status, as provided in Section 504 of the Rehabilitation Act of 1973, as amended, and the prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975. Also, the Office of Revenue Sharing is preparing a revision of all of the regulations in 31 CFR Part 51, and amendments resulting from that review will be published in proposed form in the near future.

(This semiannual agenda of regulations is published under the authority of Executive Order 12044 and Treasury Department Directive 50 04.F. The authority of the Office of Revenue Sharing to publish regulations derives from the State and Local Fiscal Assistance Act of 1972, as amended by Pub. L. 94–488, 31 U.S.C. 1221 *et seq.* and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342) as amended by Treasury Department Order No. 242 (Revision No. 1) dated May 17, 1977.)

Bernadine Denning,

Director, Office of Revenue Sharing.

July 26, 1979.

Roger C. Altman,

Assistant Secretary, Domestic Finance, Department of the Treasury.

Semiannual Agenda of Regulations

I Significant Existing Regulations Under Development

The Office of Revenue Sharing has reviewed all existing regulations published in 31 CFR part 51 pursuant to the State and Local Fiscal Assistance Act of 1972 as amended (31 U.S.C. 1221 *et seq.*). The regulations are currently being revised. A work plan was approved January 1, 1979.

1. The revisions are needed to conform the regulations to changes in case law and existing procedures.
2. For further information contact Herman Schwartz, Chief Counsel for Revenue Sharing, 2401 E St., N.W., Washington, D.C. 20226.
3. A set of proposed regulations containing the revisions will be published in the near future.

II Significant Regulations Under Development

A. Regulations to implement the prohibitions against discrimination under 31 U.S.C. 1242 (a)(1) with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1972. Executive Order 11914 issued April 28, 1976, and the H.E.W. Implementation thereof mandate the issuance of these regulations.

1. The regulation was in progress prior to the effective date of the Treasury Department Implementation of Executive Order 12044, May 22, 1978. Accordingly, a work plan was not required.
2. A proposed regulation was published on April 14, 1978 (43 FR 15735) a final draft has been approved by H.E.W. and is currently under review by the Treasury Department.
3. The regulation is required to implement section 504 of the Rehabilitation Act of 1973, as amended.
4. It has not been decided whether a regulatory analysis will be prepared.

B. Regulations to implement the prohibitions against discrimination under 31 U.S.C. 1242 (a)(1) on the basis of age under the Age Discrimination Act of 1975 as amended. The Age Discrimination Act of 1975 and the H.E.W. Government-wide Age Discrimination Regulations (45 CFR Part 90) mandate the issuance of these regulations.

1. The work plan is currently in progress.
2. The proposed regulation is currently in progress.
3. The regulation is required to implement the Age Discrimination Act of 1975 as amended.
4. It has not been decided whether a regulatory analysis will be prepared.

[FR Doc. 79–23823 Filed 7–31–79; 8:45 am]

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federal register

Wednesday
August 1, 1979

Part VII

Department of Housing and Urban Development

Office of the Secretary

Improving Government Regulations; Semiannual Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Subtitles A and B]

[Docket No. R-79-696]

Improving Government Regulations; Semiannual Agenda of Significant Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of significant regulations under development or review.

SUMMARY: Pursuant to section 2(a) of Executive Order 12044, "Improving Government Regulations", the Department is publishing its second semiannual agenda. This agenda lists significant regulations that will be under development or review through January 31, 1980.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street, SW., Washington, D.C. 20410 (202) 755-6207.

ADDRESSES: Rules Docket Clerk, Office of Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street, SW., Washington, D.C. 20410 (202) 755-6703.

Office of Legislation and Intergovernmental Relations, Department of Housing and Urban Development, Room 10120, 451 7th Stret, SW., Washington, D.C. 20410 (202) 755-5005.

SUPPLEMENTARY INFORMATION: Executive Order 12044, "Improving Government Regulations" (43 FR 12661) directs each Executive Agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is required at least semiannually in order to give the public adequate notice of agency rulemaking activities.

The Department issued its first semiannual agenda on February 1, 1979 (44 FR 6674).

In fulfillment of requirements imposed by the Executive order, this agenda: (1) Describes significant regulations under development or review by the Department for the period through January 31, 1980; (2) Indicates the need and legal basis for the action being taken; (3) Provides the name and telephone number of an agency official familiar with the regulation, and (4) Indicates, where known, if a regulatory analysis is anticipated.

The agenda also indicates the status of significant regulations which were listed in the February 1, 1979 agenda.

Public commend on the agenda is invited and should be submitted to the Rules Docket Clerk, General purpose State and local goverments, and national organizations representing general purpose State and local governments, are invited to notify HUD's Office of Legislation and Intergovernmental Relations of those rules in which they have particular interest. The Office of Legislation and Intergovernmental Relations will acknowledge receipt of any such expression of interest and will bring the matter to the attention of the appropriate drafting office for follow-up attention. Comments should be sent to the addresses listed above.

If necessary, the Department will publish supplemental agendas to identify additional significant regulations under development or review.

Appended to this Notice is HUD's second agency of significant regulations.

Office of Community Planning and Development

A. New Regulations

1. Areawide Housing Opportunity Plan (AHOP)

Description. Would amend basic regulations governing application requirements for the Areawide Housing Opportunity Program.

Need. To update and simplify the present regulations which are published at 24 CFR 891.101 et seq.

Authority. Section 7(d), Department on HUD Act; 42 U.S.C. 3535(d).

Regulatory Analysis. Not yet known.

Contact. Gene Hix, 202-755-5649.

Status. In preparation.

2. HUD Procedure for Protection of Floodplains and Wetlands

Description. Would provide (1) policy direction; (2) substantive requirements; and (3) procedural requirements for Departmental Compliance with Executive Orders 11988 and 11990.

Need. To improve the Department's implementation of Federal policy and mandatory provisions of Executive Orders 11988 and 11990.

(Executive Order 11988 (Floodplain Management) 42 FR 26951; Executive Order 11990 (Protection of Wetlands) 42 FR 26961; Section 7(d) Department of HUD Act, 42 U.S.C. 3535(d).)

Regulatory Analysis. Not yet known.

Contact. Walter Prybyla, 202-755-3409.

Status. In Congressional review.[1]

3. HUD Procedures: Protection of Historic and Cultural Properties Under HUD Programs

Description. Would specify how undertakings for HUD programs are to be reviewed so that the Advisory Council on Historic Preservation is assured of its standing to comment on those which affect properties on the National Register of Historic Places. Will cover all HUD programs including Community Development Block Grant Program (CDBG).

Need. Present HUD regulations now cross reference to Advisory Council Procedures. By Presidential Directive, Council has issued regulations which HUD must implement through its own counterpart regulations.

Authority. National Historic Preservation Act of 1966; Pub. L. 89-665, 80 Stat. 915; 16 U.S.C. 470.

Regulatory Anaylsis. Not yet known.

Contact. James J. Brennan, 202-755-3409.

Status. In preparation.

4. Indian CDBG Regulations—Housing Assistance Plan

Description. Would amend 24 CFR 571.305(d) and 571.405(e) to make CDBG requirements, pertaining to submittal of Housing Assistance Plans (HAPs), more flexible and responsive to the special needs, cultural traditions, and legal circumstances of eligible Indian tribes and Alaska Natives.

Need. To assist tribes in planning, coordinating and implementing housing with their reservation development.

Authority. Section 107(a)(7) of the Housing and Community Development Act of 1974, as amended; Pub. L. 93-383, 88 Stat. 633, Pub. L. 95-128, 91 Stat. 1111.

Regulatory Analysis. Not yet known.

Contact. Donald G. Dodge, 202-755-6090.

B. Previously Listed Regulations

1. CDBG—Clarification of Program Benefit Requirements

Description. Would clarify the program benefit requirement in the CDBG Program to reflect 1978 statutory amendments.

Need. To implement the 1978 amendments to the Housing and Community Development Act of 1974.

Authority. Section 104(c) of the Housing and Community Development

[1] In accordance with the requirements of 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557.

Act of 1974, as amended; Pub. L. 93–383, 88 Stat. 633; Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. Not yet known.

Contact. James R. Broughman, 202–755–9267.

Status. In preparation. No longer classified as routine.

2. Urban Development Action Grants

Description. Would amend existing regulations to reflect changes dictated by needs identified by the Department and participants during the first year of implementation of the UDAG program.

Need. The Action Grant regulations were drafted before the Department began reviewing and approving applications. Changes are required to clarify policy and make technical amendments based on our experience to date.

Authority. Section 119 of the Housing and Community Development Act of 1974, as amended, Pub. L. 93–383, 88 Stat. 633.

Contact. Margaret B. Sowell, 202–742–3947.

Status. Withdrawn.

3. Comprehensive Planning Assistance (701) Program; 24 CFR Part 600—Subparts A to F—Basic Regulations

Description. Would amend the 701 regulations to implement more effectively national objectives set forth by the President's Urban Policy including: (1) Community conservation and aid to distressed communities; (2) Expansion of housing and employment opportunities; and (3) Promotion of orderly and efficient growth. Would provide for waivers from areawide organization requirements regarding board composition in order to facilitate creation of single planning organizations which would undertake unified planning for multiple Federal planning programs.

Need. To initiate activities in support of the President's National Urban Policy.

Authority. Section 701, Housing Act of 1954, as amended, 68 Stat. 640, 40 U.S.C. 461.

Regulatory Analysis. Not yet known.

Contact. Trudy F. McFall, 202–755–6308.

Status. Published as proposed rule 4/11/79.

4. Section 312 Rehabilitation Loan Program

Description. Would implement Section 312 of the Housing Act of 1964 and program changes required by the Housing and Community Development Amendments of 1978.

Need. To implement Section 312 of the Housing Act of 1964 and the Housing and Community Development Amendments of 1978.

Authority. Section 312 of the Housing Act of 1964, as amended; Pub. L. 88–560, 78 Stat. 769, 790; 42 U.S.C. 1452(b); Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. Not yet known.

Contact. Robert I. Dodge, 202–755–6322.

Status. In preparation.

5. Uniform Relocation Assistance and Real Property Acquisition

Description. Would adopt requirements appropriate to the flexible nature of the Community Development Block Grant program under Title I of the Housing and Community Development Act of 1974; would set forth requirements governing acquisition and rehabilitation activities which take place with no intent to displace tenants and make general improvements based on past experience in implementing the Uniform Act.

Need. To benefit from program experience and to present the regulations in a more understandable format.

Authority. Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Contact. Harold J. Huecker, 202–755–1871.

Status. Published as final rule 5/29/79.

6. Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality

Description. Would implement the National Environmental Policy Act of 1969, by incorporating the provisions of HUD Handbook 1390.1, Procedures for Protection and Enhancement of Environmental Quality, and of Section 905 of the Housing and Community Development Amendments of 1978.

Need. To modify the Department's environmental review procedures to reflect program changes and/or amendments that have affected the comprehensiveness of the basic document (1390.1 Handbook). The modification would incorporate all of these changes into a single Federal Register document.

Authority. The National Environmental Policy Act of 1969; Pub. L. 91–190, 42 U.S.C. 4321, et seq.; Housing and Community Development Amendments of 1978, Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. Not yet known.

Contact. Fred D. Regetz, 202–755–6296.

Status. In preparation.

7. Environmental Criteria and Standards, Noise Abatement and Control

Description. Would convert the existing noise policy to regulation format and would make revisions and improvements intended to make the policy more flexible and consistent with other Federal agencies' noise programs.

Need. To update, consolidate and clarify procedures and policies set forth in HUD Circulars into regulation form.

Authority. National Environmental Policy Act of 1969; Pub. L. 91–190; Noise Control Act of 1972, Pub. L. 92574.

Contact. James F. Miller, 202–755–8909.

Status. Published as a final rule July 12, 1979.

8. Hazardous Operations of an Explosive or Flammable Nature

Description. Would establish standards for safety separation distances or other mitigation measures to provide a healthful and safe living environment to residential or community projects that would be located in close proximity to industrial installations whose activities include hazardous operations with large quantities of fuels or chemicals of an extremely explosive or flammable nature.

Need. To set safety standards for mixed use development in industrial urban areas.

Authority. National Environmental Policy Act of 1969; Pub. L. 42 U.S.C. 4321 et seq.

Regulatory Analysis. Not yet known.

Contact. James Christopulos, 202–755–6201; Michael T. McGee, 202–755–8909.

Status. In preparation.

9. Comprehensive Planning Assistance: Requirements and Procedures for Managing a Grant

Description. Would set forth requirements and procedures for managing a grant for Comprehensive Planning Assistance and reflect changes made in grant administration pursuant to Office of Management and Budget requirements contained in revised OMB Circular A–102, September, 1977.

Need. To convert existing Handbook for Comprehensive Planning Assistance Program into regulation form and update requirements to reflect changes made in grant administration pursuant to revised OMB Circular No. A–102.

Authority. Sec. 701 of the Housing Act of 1954, 40 U.S.C. 461, as amended by the Housing and Community Development Act of 1974, 42 U.S.C. 5301.

Regulatory Analysis. Not yet known.

Contact. Leroy P. Gonnella, 202–755–5649; Joyce Walther, 202–755–5649.

Status. Published as a proposed rule, April 16, 1979.

Office of Fair Housing and Equal Opportunity

A. New Regulations

1. Age Discrimination Act of 1975

Description. Would prohibit discrimination on the basis of age in programs and activities receiving Federal financial assistance including programs and activities receiving funds under the Revenue Sharing Act; would specify permissible age distinctions and reasonable factors other than age for Federally assisted programs and activities, and for recipients of Federal funds; would indicate programs and activities not covered by the ADA Act of 1975.

Need. To implement the provisions of the Age Discrimination Act of 1975, as amended.

Authority. Age Disrimination Act of 1975, 42 U.S.C. 6101 et seq.

Regulatory Analysis. Not yet known.

Contact. Laurance D. Pearl, 202–755–8697.

B. Previously Listed Regulations

1. Compliance Procedures for Affirmative Fair Housing Marketing

Description. Would provide for HUD review of approved AFHM Plans and for procedures, including imposition of sanctions, to assure compliance with approved plans.

Need. To add procedures for processing allegations of violations and imposing sanctions to the existing AFHM regulations (24 CFR Part 200m).

Authority. Executive Order 11064, Equal Housing Opportunity, 27 FR 11527; Title VIII of the Civil Rights Act of 1968, Pub. L. 90–284, 82 Stat. 73, 18 U.S.C. 245.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

2. Discrimination in the Financing of Housing

Description. Would indicate the Department's view of conduct considered unlawful under Section 805 of the Civil Rights Act of 1968 and would require the collection of data by financial institutions on the race, national origin, and sex of applicants for loans or other assistance relating to dwellings.

Need. To deal with recent experience which indicates that some residential mortgage lenders are discriminating against blacks, other minorities, and women in the making of housing loans.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

3. Department-Wide Regulations Implementing Executive Order 11063

Description. Would establish compliance review and complaint processing procedures and create a compliance mechanism leading to the imposition of sanctions, including referral of cases to the Attorney General.

Need. To implement Executive Order 11063 which requires that all necessary and appropriate action be taken by Federal departments and agencies to prevent discrimination because of race, color, creed, or national origin in residential property and related facilities owned, operated, or provided with Federal financial assistance and in lending practices with respect to residential property and related facilities of lending institutions, insofar as such practices relate to loans insured or guaranteed by the Federal government.

Authority. Executive Order 11063—Equal Opportunity in Housing, 27 FR 11527.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

4. Discrimination in Housing Advertising

Description. Would provide HUD's interpretation of the provisions of Title VIII of the Civil Rights Act of 1968 with respect to discrimination in advertising for the sale or rental of dwellings. Also would indicate the nature of HUD's inquiry into advertising practices in complaint investigations which allege discrimination in advertising based on race, color, religion, sex, or national origin.

Need. To implement Section 804(c) of the Civil Rights Act of 1968 which makes it unlawful to make, print, or publish any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex or national origin and to supplement HUD's Fair Housing Advertising Guidelines.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73, 18 U.S.C. 245.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

5. Prohibited Broker Conduct Under Title VIII

Description. Would inform brokers as to their responsibilities with respect to fair housing in solicitations, sales of advertising, marketing, and the provision of services pursuant to application of Title VIII of the Civil Rights Act of 1968; also would provide information as to membership in associations, and the use of services among real estate brokers.

Need. To implement Title VIII which prohibits discrimination in the sale or rental of dwellings, discrimination in financing, blockbusting, and discriminatory advertising and which also makes it unlawful to deny any person access to, or membership or participation in any multiple listing service or real estate broker's organization based on race, color, religion, sex or national origin.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73, 18 U.S.C. 245.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

6. Conduct Which Constitutes Steering Under Title VIII

Description. Would describe real estate practices which could be a violation of Title VIII of the Civil Rights Act of 1968 with emphasis on steering based on race, color, religion, sex, or national origin.

Need. To aid persons in complying with Title VIII by describing practices which constitute steering and to advise prospective buyers and renters of practices, often unrecognized, which unlawfully restrict their range of housing choices.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73, 18 U.S.C. 245.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

7. Unlawful Zoning and Land Use Practices Under Title VIII

Description. Would describe the applicability fo Title VIII of the Civil Rights Act of 1968 to zoning and land use practices and indicate the tests to be used by HUD in determining whether a violation has occurred.

Need. In dealing with cases where violation of Title VIII through zoning

actions was alleged, the courts have provided some indication as to the scope of coverage of Title VIII. Thus the courts have held that Title VIII prohibits discriminatory land use and zoning actions. However, the courts have not articulated a standard for compliance with the Fair Housing Law. In administering the Law, HUD can provide assistance to the public, and local agencies by indicating the tests it will apply in its analysis of complaints alleging discriminatory zoning or land use practices.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73, 18 U.S.C. 245.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

8. Prohibited Appraisal Practices

Description. Would provide guidance to persons concerning HUD's interpretation of proper standards and policies concerning the appraisal of dwellings; also would advise appraisers and the public of HUD's position concerning practices, procedures, and methods of appraisal which can constitute a violation of Title VIII.

Need. HUD complaint experience has shown that appraisals are the subject of many Title VIII complaints. In the investigation of such complaints, we have found that isntructional materials recognized as being authoritative on appraisal methods contain directions to appraisers which can result in violations of Title VIII of the Civil Rights Act of 1968. Some efforts have been launched to review these materials; however, this process is cumbersome since the Government and each major association of appraisers has voluminous material relating to appraisal policies. A general statement of appraisal policies and practices which may violate Title VIII will be helpful to appraisers in their work and to the public in understanding fair housing considerations in the appraisal of dwellings.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

9. Residential Redlining Under Title VIII

Description. Would indicate HUD's interpretation of Section 804(a) of the 1968 Civil Rights Act with respect to redlining and would set forth the tests to be applied by the Department in investigating allegations of redlining based on race, color, religion, sex, or national origin.

Need. To implement Section 804(a) which makes it unlawful "to refuse to sell or rent . . . or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin." HUD experience in this area indicates that applicants may not be aware of real estate practices which constitute redlining because of the subtle nature of the practice.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

10. Discriminatory Practices Regarding Property Insurance

Description. Would describe the coverage of Title VIII of the Civil Rights Act of 1968 with respect to denials of property insurance and advise the public as to the tests which HUD will apply in complaint investigations to determine whether violations of Title VIII have occurred.

Need. To implement Title VIII, and to inform prospective owners securing and maintaining property insurance.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73, 18 U.S.C. 245.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

11. Affirmative Administration of Federal Programs Relating to Housing and Urban Development

Description. Would set forth HUD's interpretation of the Title VIII mandate to administer programs relating to housing and urban development in a manner affirmatively to further the purposes of fair housing, and would identify in general, the nature and types of action HUD will take in the administration of its programs to enhance their impact on the provision of fair housing.

Need. To better implement Sections 808(a), 808(d) and 808(e)(3) of the Civil Rights Act of 1968.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

12. Training and Employment Opportunities for Lower Income Residents

Description. Would provide HUD's interpretation of the provisions of Section 3 of the Housing and Urban Development Act of 1968 with respect to opportunities for training and employment for lower income residents arising in connection with HUD assisted projects, and for contracting opportunities for business concerns located in, or owned in substantial part by persons residing in, the area of HUD assisted projects.

Need. HUD's existing Section 3 regulation was promulgated prior to the enactment of the Housing and Community Development Act of 1974, which established the Community Development Block Grant (CDBG) program. The regulation would provide for interpretations in the context of that program.

Authority. Section 3 of the Housing and Urban Development Act of 1968, Pub. L. 90–448, 82 Stat. 476; 12 U.S.C. 1701, et seq.; and Section 118 of the Housing and Community Development Act of 1974, Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–7007.

Status. In preparation.

13. Implementation of Section 109 of the Housing and Community Development Act of 1974

Description. Would set forth procedures and policies to assure nondiscrimination on grounds of race, color, national origin, or sex in programs and activities receiving assistance under Title I of the Housing and Community Development Act of 1974.

Need. To provide detailed regulations and procedures which describe requirements for compliance with Section 109 of the HCDA of 1974 in regard to nondiscrimination.

Authority. Section 109 of the Housing and Community Development Act of 1974, as amended; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. Laurance Pearl, 202–755–8697.

Status. In preparation.

Office of the Inspector General

A. New Regulations

None.

B. Previously Listed Regulations

1. Exercise of Subpoena Power

Description. Would describe the manner in which subpoena authority may be exercised by the Office of Inspector General under the provisions of the Inspector General Act of 1978.

Need. To implement the Inspector General Act of 1978.

Authority. Inspector General Act of 1978: Pub. L. 95–452, 92 Stat. 1101.

Contact. Frank L. Coveleski, 202–755–6383.

Status. Withdrawn.

2. Audit Guide for GNMA Mortgage Backed Securities Program

Description. Would promulgate an audit guide for use by public accountants in auditing operations of issuers of GNMA-guaranteed mortgage-backed securities. This guide would describe the audit work to be performed by a public accountant at the issuer's office and at the office of its custodian. The guide would require the public accountant to report to GNMA, through the issuer, on the issuer's compliance with GNMA's requirements.

Need. To incorporate procedures and policies in regulation form.

Authority. Inspector General Act of 1978; Pub. L. 95–452, 92 Stat. 1101.

Regulatory Analysis. Not yet known.

Contact. Leonard Wolin, 202–755–6361.

Status. In preparation.

Office of Neighborhoods, Voluntary Associations, and Consumer Protection

A. New Regulations

1. Implementation of Building Energy Performance Standards

Description. Would provide guidance and direction to the public and to State and local governments with regard to the implementation of the Building Energy Performance Standards issued by the Department of Energy.

Need. To provide rules governing the implementation of BEPS according to the statutory requirements.

Authority. Energy Conservation and Production Act of 1976, Pub. L. 94–385, 90 Stat. 1125.

Regulatory Analysis. Yes.

Contact. Archie Twitchell, 202–376-4572.

B. Previously Listed Regulations

1. Neighborhood Self Help Development

Description. Would implement legislation under which HUD is to (1) provide grants and other forms of assistance to qualified neighborhood organizations to undertake specific housing, economic or community development, and other appropriate neighborhood conservation and revitalization, projects in low- and moderate-income neighborhoods, which are in need of preservation and revitalization, and (2) in the process of providing such assistance, increase the capacity of neighborhood organizations to utilize and coordinate resources available from the public and private sectors and from the residents and neighborhoods themselves, in conserving and revitalizing such neighborhoods.

Need. To implement Title VII of the Housing and Community Development Amendments of 1978.

Authority. Title VII, Housing and Community Development Amendments of 1978, Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. Not yet known.

Contact. Joseph McNeely, 202–755–8227.

Status. In preparation.

2. Livable Cities Program

Description. Would implement legislation under which HUD is to assist the efforts of States, local governments, neighborhood and other organizations to provide a more suitable living environment, expand cultural opportunities and, to the extent practicable, stimulate economic opportunities, primarily for the low and moderate income residents of communities and neighborhoods in need of conservation and revitalization, through the utilization, design or development of artistic, cultural or historic resources.

Need. To implement the provisions of Title VIII of the Housing and Community Development Amendments of 1978.

Authority. Title VIII, Housing and Community Development Amendments of 1978; Pub. L. 95–557, 92 Stat. 208.

Regulatory Analysis. Not yet known.

Contact. Kathy Dexter, 202–755–0950.

Status. In preparation.

3. Modular Homes—Excluded Structures

Description. Would amend the Mobile Home Procedural and Enforcement Regulations by setting forth the certification required to be made by manufacturers of modular homes in order to exempt those structures from coverage under the National Mobile Home Construction and Safety Standards Act of 1974.

Need. To clarify application of existing regulations.

Authority. National Mobile Home Construction and Safety Standards Act of 1974, as amended; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. Richard A. Mendlen, 202–426–1972.

Status. In preparation.

4. Copper Clad Aluminum Conductors

Description. Would amend the Federal Mobile Home Construction and Safety Standards to make certain sizes of copper clad aluminum conductors acceptable for use in the branch circuit electrical wiring of mobile homes.

Need. To implement legislation which calls for consideration of new and innovative building system.

Authority. National Mobile Home Construction and Safety Standards Act of 1974; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. Richard A. Mendlen, 202–426–1872.

Status. Published as proposed rule 2/12/79 at 44 FR 8901.

5. Recreational Vehicles and Similar Structures

Description. Would amend the Mobile Home Procedural and Enforcement Regulations to further clarify the applicability of the National Mobile Home Construction and Safety Standards Act of 1974 to recreational vehicles and similar structures.

Need. To clarify existing regulations which deal with recreational vehicle type structures which are covered by the Act.

Authority. The National Mobile Home Construction and Safety Standards Act of 1974; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. Richard A. Mendlen, 202–426–1872.

Status. In preparation.

6. Federal Mobile Home Procedural and Enforcement Standards

Description. Would change the eligibility requirements of certain participants, further delineate the responsibilities of these participants and modify some procedural and enforcement activities.

Need. To enhance the general effectiveness and overall efficiency of the Federal Mobile Home Standards Program. Rule will be designed to ensure the continued participation of States currently in the program and to make the program more attractive to States not presently in the program.

Authority. National Mobile Home Construction and Safety Standards Act of 1974; Pub. L. 93–383; 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. Tobias A. Gottesman, 202–472–4703.

Status. In preparation.

7. Interstate Land Sales Full Disclosure Act

Description. Would revise regulations implementing the Interstate Land Sales Full Disclosure Act. Revisions result from a regulation simplification project which has included the use of a "readability consultant", public hearings and extensive consideration of public comment received on the published proposals.

Need. To simplify registration requirements which developers must meet to comply with the Act and provide additional exemptions from registration in those cases where the public interest is not served or where the protection of purchasers is not needed.

Authority. Title XIV of the Housing and Urban Development Act of 1968, as amended; Pub. L. 90–448, 82 Stat. 476.590; 15 U.S.C. 1701.

Contact. Roger C. Henderson, 202–755–6847.

Status. Published as final rule 4/10/79 at 44 FR 21442.

8. Real Estate Settlement Procedures Act

Description. Would revise or add to the existing regulations implementing the Real Estate Settlement Procedures Act. Contents of the proposed rule are now being developed on the basis of public comments submitted in response to an Advance Notice of Proposed Rulemaking which was published on August 5, 1978, with a closing date of December 1, 1978.

Need. This is the first opportunity the public has had to comment on the regulations since they were issued in 1976. At that time, the program was new and the industry and consumers had little or no experience working with the program regulations.

Authority. Real Estate Settlement Procedures Act, Pub. L. 93–533; 88 Stat. 1724; 12 U.S.C. 2617.

Contact. Cynthia D. Lewis, 202–755–7038.

Status. Withdrawn pending completion of major Congressionally-mandated study.

Office of Housing—FHA

A. New Regulations

1. Public Housing—Development Phase

Description. Would amend 24 CFR Part 841 to make changes in processing of applications/proposals for construction of public housing units. Changes would reduce the processing time between submission of an application/proposal and start of construction.

Need. To simplify development phase of public housing and reduce processing time.

Authority. U.S. Housing Act of 1937, as amended by HCD Act of 1974; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. Gerald Benoit, 202–755–5846.

Status. In Congressional review.

2. Tax Exempt Obligations of Public Housing Agencies—Use of Guaranteed Mortgage-Backed Securities

Description. would add new subpart to 24 CFR Part 811 to govern use of Federally-guaranteed mortgage-backed securities in connection with tax-exempt obligations for insured Section 8 multifamily projects.

Need. To permit greater flexibility in financing of Section 8 multifamily projects.

Authority. Sections 3(b), 5(b), 8, 11(b) of U.S. Housing Act of 1937, as amended by HCD Act of 1974; cit. supra.

Regulatory Analysis. Not yet known.

Contact. Thomas W. White, 202–755–5750.

Status. Published as proposed rule June 28, 1979.

3. Guarantees for Taxable Obligations of State Housing Agencies

Description. Would amend 24 CFR Part 260 to provide for Federal guaranty of taxable obligations issued by state housing agencies for development of low income housing.

Need. To substitute Federal guaranty for interest subsidy grants on taxable obligations of state housing agencies.

Authority. Section 802(c) of the Housing and Community Development Act of 1974; cit. supra.

Regulatory Analysis. Not yet known.

Contact. Thomas W. White, 202–755–5750.

4. Initial Mortgage Insurance Premium—One- to Four-Family Residences

Description. Would amend 24 CFR Part 203 to require payment of mortgage insurance premiums at the beginning of the insurance year, rather than at the end.

Need. To conform to standard insurance practice in private industry.

Authority. Section 203 of the National Housing Act, 12 U.S.C. 1701, et seq.

Regulatory Analysis. Not yet known.

Contact. Julius M. Williams, 202–755–6700.

5. Prepayment Privilege on Insured Mortgages—One- to Four-Family Residences

Description. Would revise 24 CFR 203.22 to permit a mortgage prepayment in full at any time without notice. Present rule requires notice and permits prepayment only on specified dates.

Need. To conform with VA and FNMA practices.

Authority. Section 203 of the National Housing Act, cit supra.

Regulatory Analysis. Not yet known.

Contact. Julius M. Williams, 202–755–6700.

6. Prepayment of Insured Project Mortgages

Description. Would prohibit prepayment of mortgages insured under Sections 220, 221, 231 and 236 of the National Housing Act without the prior approval of the Federal Housing Commissioner when the project financed has a Housing Assistance Payments Contract in effect.

Need. To prevent unwarranted conversion of Section 8 projects to market rate tenancy.

Authority. Section 220, 221, 231 and 236 of the National Housing Act, cit supra.

Regulatory Analysis. Not yet known.

Contact. George O. Hipps, Jr. 202–755–5720.

7. Supplementary Financing for Project Mortgages

Description. Would amend 24 CFR Part 241 to permit supplementary financing for multifamily projects, group practice facilities, and hospitals not previously insured by HUD and to provide for insured improvement loans for purchase and installation of certain energy conserving systems.

Need. To implement statutory provisions.

Authority. Housing and Community Development Amendments of 1978; Pub. L. 95–557, 92 Stat. 2080; National Energy Conservation and Production Act; Pub. L. 94–385, 90 Stat. 1125.

Regulatory Analysis. Not yet known.

Contact. George O. Hipps, Jr., 202–755–5720.

8. Section 8 Housing Assistance Payments Program for New Construction

Description. Would revise 24 CFR § 880.109 to remove option of owner to renew housing assistance payments contract for five-year terms, and to prohibit transfer of contract rights without HUD approval.

Need. To assure that housing units built under Section 8 remain available

as assisted housing for full term of housing assistance payments contract.

Authority. Section 8 of U.S. Housing Act of 1937, as amended by Housing and Community Development Act of 1974, cit. supra.

Regulatory Analysis. Not yet known.

Contact. George O. Hipps, Jr. 202–755–5720.

9. Loans for Housing for the Elderly or Handicapped

Description. Would amend 24 CFR Part 885 (1) to implement new statutory requirement for significant community representation on Section 202 project governing boards; (2) to reduce from 18 to 12 months the time within which construction must begin; and (3) to provide for carryover of unapproved applications for consideration in following year.

Need. To provide community representation on projects with significant impact on community; to shorten time needed for completion of housing; and to provide equitable treatment for applicants denied approval only because of lack of funds.

Authority. Section 205 of Housing and Community Development Amendments of 1978; Pub. L. 95–557, 92 Stat. 2080, et seq.

Regulatory Analysis. Not yet known.

Contact. George O. Hipps, Jr. 202–755–5720.

10. Coinsurance for Rental Housing Mortgage Loans by Private Mortgage Lenders

Description. Would amend 24 CFR Part 221 to permit coinsurance for rental housing and mortgage loans insured under Section 221(d)(3) or 221(d)(4) of National Housing Act and made by supervised private financial institutions, such as commercial banks, life insurance companies, mutual savings banks, and savings and loan associations.

Need. To encourage investment in multifamily rental housing by the private sector.

Authority. Section 244 of the National Housing Act; Public Law 93–383, 88 Stat. 633.

Regulatory Analysis. Yes.

Contact. George O. Hipps, Jr., 202–755–5720.

B. Previously Listed Regulations

1. Insuring Existing Comdominiums

Description. Would amend 24 CFR 234.25, 234.27 and 234.28 to implement provisons of the Housing and Community Development Amendments of 1978. Would provide for insuring loans financing the purchase of individual units in existing condominiums containing a minimum of 12 units and more than one year old.

Need. To implement the Housing and Community Development Amendments of 1978.

Authority. Housing and Community Development Amendments of 1978; Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. Not yet known.

Contact. William L. Halpern, 202–755–6720.

Status. In preparation. No longer classified as significant.

2. Mobile Homes—Interest Subsidy

Description. Would provide for an interest subsidy for low income families wishing to purchase mobile homes and lots.

Need. To increase program participation.

Authority. Housing Authorization Act of 1976; Pub. L. 94–375, 90 Stat. 1067.

Regulatory Analysis. Not yet known.

Contact. John L. Brady, 202–755–8686.

Status. In preparation. No longer classified as significant.

3. Coinsurance for Private Mortgage Lenders

Description. Would amend 24 CFR Part 255 to provide co-insurance for private mortgage lenders.

Need. To implement statutory authority for this program.

Authority. Section 244 of the National Housing Act; Pub. L. 93–383, 88 Stat. 633; 12 U.S.C. 1701 et seq.

Regulatory Analysis. Not yet known.

Contact. George O. Hipps, Jr., 202–755–5720.

Status. In preparation.

4. Section 8 Co-ops

Description. Would implement the Section 8 cooperative housing program originally authorized by the Housing and Community Development Act of 1974; would establish policies and procedures for processing applications under that Program.

Need. To establish policies and procedures for processing Section 8 Program applications for Co-op projects.

Authority. U.S. Housing Act of 1937, as amended by Housing and Community Development Act of 1974; Pub. L. 93–383, 88 Stat. 633.

Contact. George O. Hipps, Jr., 202–755–5720.

Status. Withdrawn.

5. Part 881—Section 8 Substantial Rehabilitation

Description. Would revise the current regulations for the Section 8 substantial rehabilitation program to (1) incorporate cost containment provisions, (2) make the regulations easier to understand, and (3) simplify processing procedures.

Need. To incorporate cost containment provisions, make the regulations easier to understand, and simplify processing procedures.

Authority. U.S. Housing Act of 1937, as amended by HCD Act of 1974; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. George O. Hipps, Jr., 202–755–5720.

Status. In preparation.

6. Section 8 Farmers Home Administration and Section 515 Rural Rental Housing Projects

Description. Would revise the regulations covering use of the Section 8 program with the Farmers Home Administration (FmHA) Section 515 program to extend coverage to rehabilitation as well as new construction and to clarify the roles of HUD and FmHA.

Need. To simplify processing procedures and improve language for clarity.

Authority. U. S. Housing Act of 1937, as amended by HCD Act of 1974; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Yes.

Contact. George O. Hipps, Jr., 202–755–5720.

Status. In preparation. No longer classified as significant.

7. Part 880—Section 8 Housing Assistance Payments Program for New Construction

Description. Would revise the regulations for the Section 8 New Construction Program. Revisions would include a new summary and guide, revised basic policies and requirements, and improved processing procedures.

Need. To make the regulations easier to understand and use; to improve processing procedures, including revisions in response to work leveling recommendations; and to implement additional cost containment factors including limitations on rents, replacement costs and project funds distribution, prohibition on excess amenities and imposition of cost reviews.

Authority. United States Housing Act of 1937, as amended by Housing and Community Development Act of 1974; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. George O. Hipps, Jr., 202–755–5720.

Status. Published as a proposed rule June 12, 1979.

8. Obligations of Public Housing Agencies—Tax Exemption and Related Amendments

Description. Would amend 24 CFR Part 811 to specify procedures for processing of developments being financed with tax-exempt bonds or mortgages issued as obligations of a Public Housing Agency (PHA) or a PHA instrumentality.

Need. To provide greater program control.

Authority. Section 11(b) of the U. S. Housing Act of 1937; Pub. L. 93–383, 88 Stat. 633.

Contact. Michael Smilow, 202–755–5946.

Status. Final rule published March 6, 1979, at 44 FR 12358.

9. Elimination of Rent Reduction Incentive Section 8 Existing Housing Program

Description. Would delete the Rent Reduction Incentive and prohibit Public Housing Agencies from approving any reduction in the family contribution toward rent for families selecting units renting for less than HUD approved maximum rents.

Need. To respond to concern regarding cost effectiveness of the incentives.

Authority. Section 8 of the U. S. Housing Act of 1937; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. Madeline Hastings, 202–755–5656.

Status. In preparation. No longer classified as significant.

10. Interjurisdictional Mobility: Section 8 Existing Housing Program

Description. Would facilitate greater opportunities for families with Section 8 Existing Housing Program Certificates of Participation to find housing of their choice within an SMSA or elsewhere. Selected units must meet Section 8 Existing Housing Program Quality Standards and be within required Fair Market Rents.

Need. To increase housing opportunities by faciliating the use of existing resources.

Authority. Section 8 of the U.S. Housing Act of 1937; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. Madeline Hastings, 202–755–5656.

Status. In preparation. No longer classified as significant.

11. Co-Insurance for Single Family Mortgage Loans by Supervised Private Financial Institutions

Description. Would modify the exsiting regulations under 24 CFR Part 204 which prescribe rules governing coinsurance for mortgage loans on single family homes insured under Section 203(b) of the National Housing Act. Would add a new subpart to prescribe a separate set of rules for coinsurance for home loans made by supervised private financial institutions, defined as commercial banks, credit unions, life insurance companies, mutual savings banks, and savings and loan associations.

Need. To increase participation in and effect of program.

Authority. Section 244 of the National Housing Act; Pub. L. 93–383, 88 Stat. 633; 12 U.S.C. 1701 et seq.

Regulatory Analysis. Not yet known.

Contact. Arnold Diamond, 202–755–6924.

Status. In preparation. No longer classified as significant.

12. Congregate Housing Services Act of 1978

Description. Would authorize grants to eligible PHAs and Section 202 project sponsors which contract to have at least two meals, seven days a week, and supportive services, such as housekeeping and personal care services, provided to frail elderly and nonelderly handicapped individuals in order to enable them to avoid institutionalization. Each project would be reviewed by the local area agency on aging or vocational rehabilitation/mental retardation agency, as appropriate, prior to being submitted to HUD.

Need. To implement recent legislation.

Authority. Title IV of the Housing and Community Development Amendments of 1978; Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. Not yet known.

Contact. Morton Leeds, 202–755–2257; Jerry Nachison, 202–755–6618.

Status. Withdrawn (pending experience gained from demonstration projects).

13. Section 8 Housing Assistance Payments Program—Housing Finance and Development Agencies

Description. Would set forth the procedures for processing and administration of the Section 8 Housing Assistance Payments Program financed by State Housing Finance and Development Agencies and implement cost containment policies.

Need. To implement cost containment policies.

Authority. Section 8 of the U.S. Housing Act of 1937, Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Not yet known.

Contact. Thomas W. White, 202–755–5750.

Status. In preparation.

14. Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities

Description. Would set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving HUD financial assistance.

Need. To comply with Section 504 of the Rehabilitation Act of 1973, as amended, and Executive Order 11914, which relate to nondiscrimination against handicapped persons.

Authority. Executive Order 11914—Nondiscrimination with Respect to the Handicapped in Federally Assisted Programs, April 28, 1976; Rehabilitation Act of 1973; Pub. L. 93–112, 87 Stat. 355.

Regulatory Analysis. Not yet known.

Contact. David R. Williamson, 202–755–7366.

Status. In preparation.

15. Accessibility Design Standards

Description. Would amend present regulations to prescribe accessibility design standards which apply to all Federal programs involving publicly-owned residential structures constructed, altered or leased with Federal funds. Amendments would conform the rule to legislative changes, make some routine changes, and add a provision to permit program-by-program supplementing of the accessibility standards with numerical or percentage requirements for specific building features such as parking spaces, dwelling units, or elevators.

Need. To clarify present regulations and conform to recent legislation.

Authority. Architectural Barriers Act of 1968, Pub. L. 90–480, 82 Stat. 718.

Regulatory Analysis. Not yet known.

Contact. David R. Williamson, 202–755–7366.

Status. In preparation.

16. Accessibility Design Standards

Description. Would augment the rule at 24 CFR Part 40, which prescribes accessibility design standards under the Architectural Barriers Act of 1968.

Need. To strengthen and coordinate the Department's procedures for compliance with the Architectural Barriers Act of 1968.

Authority. Architectural Barriers Act of 1968, Pub. L. 90–480, 82 Stat. 718; Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 355.

Regulatory Analysis. Not yet known.

Contact. David R. Williamson, 202–755–7366.

Status. In preparation.

17. Flexible Subsidy Regulations

Description. Would implement the flexible subsidy program authorizing legislation as enacted by Congress in the 1978 Housing and Community Development Amendments, define eligible activities, and spell out HUD's program oversight responsibilities.

Need. To implement Section 201 of the Housing and Community Development Amendments of 1978.

Authority. The Housing and Community Development Amendments of 1978; Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. Not yet known.

Contact. Susan Donohue, 202–755–5677.

Status. In preparation.

18. Unsubsidized Housing Projects—Rent Preemption

Description. Would modify the existing rule on Federal Preemption of Local Rent Control by providing for a tenant comment period and redefining the amount of rental income needed to sustain a project financially.

Need. To improve existing regulations in response to sugnificant public comment.

Authority. Section 7(d) of the Department of Hud Act; Pub. L. 89–174, 79 Stat. 667; 42 U.S.C. 3531.

Regulatory Analysis. Not yet known.

Contact. James Tahash, 202–755–5757.

Status. In preparation. No longer classified as significant.

Note.—The functions of the Federal Insurance Administration (FIA) and the Federal Disaster Assistance Administration (FDAA) have been transferred to the Federal Emergency Management Agency (FEMA); Therefore, further development on the below previously listed rules for FIA and FDAA will be issued by FEMA.

Federal Insurance Admininstration

1. Standard Flood Insurance Policy Revision

Description. Would revise the Standard Flood Insurance Policy to enable policyholders to better understand its provisions, benefits and protections.

Need. To serve the needs of approximately 1.5 million flood insurance policyholders.

Authority. National Flood Insurance Act of 1968; Pub. L. 90–448, 82 Stat. 476.

Contact. Richard W. Krimm, 202–755–5581.

Status. In preparation.

2. Revision of Appeals Procedure

Description. Would address in greater detail the use of administrative hearings to resolve appeals from proposed base flood elevation determinations.

Need. To satisfy due process requirements.

Authority. National Flood Insurance Act of 1968; Pub. L. 90–448, 82 Stat. 476.

Contact. Richard Krimm, 202–755–5581.

Status. In preparation.

3. Marketing of Federal Crime Insurance

Description. Would provide increased marketing incentives for Federal Crime Insurance (FCI) policies and simplify the computation of insurance premiums through adoption of a uniform rate for all cities.

Need. To improve operation of the FCI program.

Authority. Section 1231–4, of the National Housing Act, as amended by Section 602(d), HUD Act of 1970, Pub. L. 609, 84 Stat. 1770, 1789, et seq.

Contact. James Rose, 202–755–6555.

Status. In preparation.

4. Fair Plans

Description. Would revise existing regulations governing the administration of Statewide FAIR Plans, established in response to the Urban Property Protection and Reinsurance Act of 1968, as amended by the Housing and Community Development Act of 1978; would also encourage efforts to stem arson-for-profit.

Need. To implement Section 307 of the Housing and Community Development Amendments of 1978, which requires that FAIR Plan rates be no higher than rates for the same coverage in the voluntary market and that FAIR Plans have public voting members on their boards.

Authority. Housing and Community Development Amendments of 1978; Pub. L. 95–557, 92 Stat. 2080.

Contact. Robert J. DeHenzel, 202–755–6580.

Status. In preparation.

Federal Disaster Assistance Administration

5. Hazard Mitigation

Description. Would add a new subpart to implement the provisions of Section 406 of the Disaster Relief Act of 1974.

Need. To implement statutory provisions.

Authority. Disaster Relief Act of 1974; Pub. L. 93–288, 88 Stat. 143.

Contact. Charles Stuart, 202–634–7835.

Status. Published as proposed rule April 4, 1979.

6. Floodplain Management

Description. Would add a new subpart to implement the provisions of Executive Orders 11988 and 11990.

Need. Needed to implement Executive Orders.

Authority. Disaster Relief Act of 1974; Pub. L. 93–288, 88 Stat. 143; Executive Orders 11988 and 11990, cit. supra.

Contact. Charles Stuart, 202–634–7835.

Status. Proposed Rule published on June 13, 1979, at FR Vol. 44, No. 115, p. 34048–58.

(Section 2(a) of Executive Order 12044, 43 FR 21661, March 24, 1978).

Issued at Washington, D.C., on July 27, 1979.

Jay Janis,

Acting Secretary, Department of Housing and Urban Development.

[FR Doc. 79–23824 Filed 7–31–79; 8:45 am]

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federal register

Wednesday
August 1, 1979

Part VIII

Department of Energy

Economic Regulatory Administration

Refiner, Reseller-Retailer, and Retailer Price Rules for Motor Gasoline

DEPARTMENT OF ENERGY

10 CFR Part 212

[Docket No. ERA-R-79-32-B]

Mandatory Petroleum Price Regulations; Amendments to the Refiner, Reseller-Retailer and Retailer Price Rules for Motor Gasoline

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby adopts the following amendments to the refiner, reseller-retailer, and retailer price rules with respect to retail sales of motor gasoline.

1. A refiner may not charge a price in retail sales of gasoline which exceeds the refiner's most recent dealer tank wagon selling price to the nearest independent retailer, plus 15.4 cents per gallon, plus applicable taxes.

2. A reseller-retailer may not charge a price in retail sales of gasoline which exceeds the reseller-retailer's most recent dealer tank wagon selling price to the nearest independent retailer, plus 15.4 cents per gallon, plus applicable taxes.

3. All retail sellers of gasoline, including refiners and reseller-retailers, shall post either the maximum lawful selling price of each type and grade of gasoline or a certification that the maximum lawful selling price has been properly calculated and the actual selling price is equal to or less than the maximum allowable selling price for that type or grade of gasoline. The prior provisions requiring the posting of dealer margins is suspended until the receipt and evaluation of public comments.

The purpose of these amendments is to prevent refiners and reseller-retailers from charging prices in retail sales of gasoline in excess of those allowed to be charged by competing independent retailers. Refiners and reseller-retailers shall continue to calculate the maximum lawful selling price for gasoline under the current rules, except that such prices shall not exceed the limitations set forth in the amendments adopted today.

In addition, clarifications are made to the retailer price rule in the definitions of "acquisition cost," and the normal business practices rule has been amended to reflect the new rule.

Certain inadvertent errors and omissions have been corrected regarding the retailer price rule for gasoline.

DATES: Effective date: August 1, 1979: New Amendments; July 16, 1979: Corrective Amendments.

Other dates: Comments on final rules adopted today by November 16, 1979, 4:30 p.m.

ADDRESSES: All comments to Public Hearing Management, Docket No. ERA-R-79-32—B, Department of Energy, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION:

Robert C. Gillette (Comment Procedures), Economic Regulatory Administration, Room 2214–B, 2000 M Street NW., Washington, D.C. 20461, (202) 254–5201.

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

Chuck Boehl or Ed Mampe (Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street NW., Washington, D.C. 20461, (202) 254–7200.

William M. Lee (Office of General Counsel), Department of Energy, Room 6A–127, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6754.

SUPPLEMENTARY INFORMATION:

I. Background.

II. Refiner Rule.

III. Reseller-Retailer Rule.

IV. Clarifications: A. Posting Rules. B. Normal Business Practices. C. Definitions.

V. Corrective Amendments.

VI. Procedural Requirements.

I. Background

On June 22, 1979, DOE issued a notice of proposed rulemaking regarding price rules for retail sales of gasoline. Specific comments were requested with respect to refiner and reseller retail outlets.

On July 15, 1979, the DOE issued final rules regarding the retailer price regulations for motor gasoline. 44 FR 42541 (July 19, 1979). In effect, the new rules require that retailers' maximum lawful selling prices for each grade or type of gasoline not exceed the most recent acquisition cost, plus 15.4 cents per gallon, plus applicable taxes. Retailers' current and prospective "banks" were eliminated. The equal application rule is no longer effective with respect to retail sales of gasoline by retailers. Accordingly, with respect to sales of gasoline by retailers, the DOE has adopted a totally different and much simplified method of computing the maximum lawful selling price. Because the July 15 rule only dealt with retailers, DOE continued the June 22 rulemaking with respect to reseller-retailers and refiners. Today's final rule imposes a limit on retail sales by reseller-retailers and refiners in accord with that adopted for independent retailers but leaves open certain other issues which should be addressed in the comments on this rulemaking.

A possibility exists that substantial price differentials will develop between the maximum lawful selling price permitted for sales of gasoline at the retail level by refiners, reseller-retailers, and retailers. This is because refiners and reseller-retailers must continue to compute their maximum lawful selling prices for retail sales of gasoline under the current refiner and reseller-retailer price rules which permit certain cost elements, which are now excluded from retailers' maximum lawful selling price computations, to be included in their maximum lawful selling price calculations. For example, refiners and reseller-retailers may include "banks" in their maximum lawful selling price computations. Accordingly, in a shortage situation, when it is generally possible for retail dealers to charge the maximum lawful selling price, it is necessary to limit refiners' and reseller-retailers' maximum lawful selling prices to an amount approximately equal to retailers' maximum lawful selling prices in order to preserve competition and prevent price gouging and distortions, supply disruptions and dislocations, and inflationary price increases.

Therefore, DOE is adopting today final rules for refiners and reseller-retailers which will prevent extreme price differentials among the maximum lawful selling prices for retail sales of gasoline by refiners, reseller-retailers, and retailers. These amendments, which are limitations on refiners' and reseller-retailers' maximum lawful selling prices, are to be applied in addition to the current price rules. In other words, the new rules will only become operative if a refiner's or reseller-retailer's calculation of its maximum lawful selling price exceeds that permitted under the regulations adopted today.

In today's amendments, we are also adopting on an interim basis certain other changes to the rules adopted on July 15. These changes are intended to respond to comments received which have pointed out certain problems created by the regulations, including clarification of certain provisions in the rules adopted July 15.

The final rules adopted today do not establish limitations on the retail selling price for gasoline by refiners and reseller-retailers which do not sell gasoline to independent retailers at dealer tank wagon prices. DOE invites comments on the appropriate limitations

DOE should impose on retail prices by refiner and reseller-retailers which do not have sales to independent retailers at dealer tank wagon prices.

II. Refiner Rule

Under the rule adopted today, refiners who sell at retail will continue to be subject to the existing refiner price rules. However, a refiner may not charge a price in retail sales of gasoline which exceeds the refiner's most recent dealer tank wagon price to the nearest independent retailer, plus 15.4 cents per gallon, plus applicable taxes (as defined in § 212.92). In effect, refiners are now subject to a second limitation on the price they may charge in retail sales of gasoline.

The possibility exists that certain refiners may be denied the opportunity to recoup a portion of their total increased costs because of the application of the equal application rule in conjunction with the new retail price limitation adopted today. Accordingly, today's rule also provides an exception to the requirements of the equal application rule to the extent the refiner's retail selling price is restrained by the new retail price limitation and thereby results in unequal recovery of costs among classes of purchaser. In other words, when calculating the amount of increased costs a refiner is deemed to have recouped in a month, any increased costs the refiner is precluded from recouping because of the rules adopted today will not be deemed to have been recouped pursuant to the equal application rule.

The DOE emphasizes that the limitation adopted today does not permit refiners to recoup additional revenues. The purpose and effect of the rule is to prevent severe price differentials, price gouging, and inflationary prices at the retail level.

Today's rule does not address the possibility that continued operation of the refiners' price rule to retail sales of gasoline by refiners may result in holding some refiners' retail prices at well below competitive levels and cause them to increase their market shares at the expense of independent retail dealers. During the present shortage this possibility is reduced because most stations are subject to allocation fractions and are able to sell their available supply regardless of price. However, we specifically request comments on whether further changes should be made in these rules to prevent refiners from being forced to undercut their retail competition and, if so, how such changes should be made.

III. Reseller-Retailer Rule

Under the rules adopted today, reseller-retailers may not charge a price in retail sales of gasoline which exceeds the reseller-retailer's most recent dealer tank wagon selling price to the nearest independent retailer, plus 15.4 cents per gallon, plus applicable taxes. This new rule is in addition to the current rules which remain applicable and in effect imposes a second limit on the maximum amount a reseller-retailer may charge in retail sales.

As is the case with refiner-retailers, the existing price rules for reseller-retailers may result in such firms being constrained by maximum lawful selling prices at retail that would cause them to undercut substantially their independent retailer competition. We specifically request comments on whether further changes to the regulations should be made to prevent their forcing reseller-retailers to charge prices that are significantly below competitive levels and, if so, how such changes should be structured.

The rules adopted today do not address the calculations of the maximum allowable prices for retail sales of gasoline by refiners and reseller-retailers which do not sell at dealer tank wagon to independent retail dealers. We ask comments on whether such a rule is required and, if so, what regulatory changes might be adopted. For example, actual transportation costs to retail stations or a specific cents per gallon allowance (perhaps based on the national rack minus DTW differential) might be utilized to impute a DTW price.

IV. Clarifications

A. *Posting Rules.*—In the rules adopted on July 15, we required retailers to post both their maximum lawful prices and the maximum lawful margins allowed by the new rules. Since then we have received numerous complaints to the effect that such posting requirements will have an anticompetitive effect, in that the posting of either maximum prices or maximum margins will allow competitors to determine what a dealer is paying for gasoline. Many non-branded dealers particularly consider such information highly confidential, since its disclosure would facilitate predatory pricing practices by competitors. Other dealers have complained that the margin posting requirement particularly is unnecessary and might be misunderstood by the public as a net profit amount.

We continue to believe that the posting of price, margin and other relevant information is useful to the consumer in understanding what his rights are under the regulations. However, in light of our concern for possible anticompetitive consequences, we have decided to limit the posting requirements adopted on July 15 until further public comments are received in November, to the following requirement:

All retail sellers of gasoline shall post either the maximum lawful selling price on a cents-per-gallon basis for each type and grade of gasoline sold at the outlet *or* a certification that the retail seller has computed its maximum lawful selling price and that its actual selling price is equal to or less than the maximum lawful selling price allowed by DOE regulations for the particular type or grade of gasoline concerned. The first part of this rule—the posting of the maximum selling price—is the same as the rule in effect prior to July 15. The second part—allowing the option of certifying the legality of the actual selling price—allows retailers an option of posting in a way that prevents disclosure of the price they pay their supplier for gasoline.

The postings shall be either on the gasoline pump or in a prominent place at the retail outlet. A prominent place is a location which is easily visible by a customer purchasing gasoline at the station.

The posting requirements will apply to all retail sales of gasoline at retail outlets by refiners, reseller-retailers, and retailers. They only apply to retail sales of gasoline at retail service station outlets and do not apply to retail sales made at other than retail service outlets.

If any retail seller of gasoline is found to have violated the posting requirements, DOE's enforcement staff may impose, in addition to the penalties otherwise applicable, the requirement that the retail seller decrease its maximum lawful selling price by five (5) cents per gallon for each day the firm has been found to have violated the posting rules, plus an additional thirty (30) days.

The posting requirements adopted today are effective immediately with respect to all retail sellers of motor gasoline. However, we continue to seek public comments on the appropriate posting requirements that will meet the objectives of providing consumers with relevant and useful information regarding regulated prices and assuring maximum possible compliance with the regulations, while also keeping burdens on retail sellers to a minimum. We particularly urge comments on these issues from retail dealers, consumer organizations and government agencies concerned with the consumer protection

and competitive aspects of the posting requirements.

B. *Normal Business Practices.*—The normal business practices rule found in § 210.62 is amended with respect to retailers to clarify which business practices a retailer may change or modify under the new retailer pricing rules for gasoline.

Retailers may charge separately (but not on a cents per gallon basis) for other services offered at the retail outlet. However, retailers may not require the purchase of such other services as a condition of buying gasoline.

Retailers may maintain full serve and self serve islands with different posted prices, provided the higher of the two prices is within the maximum allowable price. They may also, for example, maintain a full serve island at which an extra charge is made for performing services in addition to pumping gasoline. In such cases, however, a purchaser who declines to receive the extra services must still be given the option of buying gasoline at that island and having it pumped into his car for him without having to pay the extra service charge.

Similarly, a retailer has discretion whether or not to honor credit cards, without regard to historical practice. The retailer is not prohibited by the price rules from imposing a charge for honoring credit cards, provided that the customer has the option of paying cash.

A retailer which included the service of pumping gasoline as part of its May 15, 1973 price is not required to continue doing so. It may offer self serve only and may charge the maximum allowable markup. However, a retailer may not charge a fee to pump or dispense gasoline to the consumer.

C. *Definitions.*—The definition of "acquisition cost" is clarified with respect to firms with multiple retail stations and a single inventory and firms which receive multiple deliveries into inventory on a daily basis.

Retailers with several retail stations which historically make more than three purchases in a twenty-four hour period, shall compute the acquisition cost using the weighted average price as documented by invoices or other written evidence for the three (3) preceding days.

The calculation of the acquisition costs by gasoline retailers may be based only upon receipt of written evidence documenting the price at which the retailer is purchasing the gasoline. The written evidence may take the form of a telegram or invoice. However, the retailer may not calculate acquisition costs until delivery of the gasoline has been made. Thus, the change in acquisition price should occur when the retailer first receives written evidence of the price it is to pay for a specific delivery of gasoline and the gasoline has been delivered.

"Tax cost" is being amended to clarify that the cost must be computed on a cents-per-gallon basis but it is not necessary that the tax be levied on a cents-per-gallon basis. In other words, tax cost includes all allowable taxes imposed directly on gasoline, regardless of how the tax is assessed.

It is not necessary that the allowable tax be expressed in terms of cents-per-gallon, provided it is in the nature of a sales tax rather than an income tax. However, it must be a tax that is calculated in such a way that the precise amount of the tax can be determined and imposed at the time of a gasoline sale. Thus, a percentage sales tax is also eligible for inclusion within the definition. In addition, Ruling 1974–4, relating to taxes imposed on gross revenues, remains in effect.

V. Corrective Amendments

The July 15, 1979 final rule for retail sales of gasoline by retailers contained certain inadvertent errors and omissions which have been corrected in the appended final rule. It should be noted that among the inadvertent errors appearing in the July 15 final rule was the deletion from 10 CFR 212.92 of the definitions of "Increased rental cost" and "Vapor recovery system cost" and the deletion of 10 CFR 212.93(b)(1)(i) and (ii). These provisions should not have been deleted, as they have applicability to reseller-retailers which market motor gasoline at the retail level, as well as to independent retailers, and were therefore not intended to be affected in that regard. Accordingly, the definitions of "Increased rental cost" and "Vapor recovery system cost" are to remain in § 212.92 and the provisions of § 212.93(b)(1)(i) and (ii) continue to be applicable to retail sales of motor gasoline by sellers other than retailers.

DOE stresses that any firm that is adversely affected by today's rules may apply to DOE's Office of Hearings and Appeals pursuant to Part 205 for an exception to such rules.

VI. Procedural Requirements

A. *Section 501 of the DOE Act.*—Section 501(b)–(d) of the Department of Energy Organization Act (DOE Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91) contains certain procedural requirements relating to rulemakings. Among them is a requirement that at least 30 days be provided for comment with respect to proposed rulemakings. Under section 501(e) of the DOE Act, we may waive this 30 day requirement, as well as the other requirements of section 501(b)–(d) upon our finding that strict compliance with these requirements is likely to cause serious harm or injury to the public health, safety or welfare. For the following reasons, DOE believes such a finding can and should be made in this instance. First, extreme price differentials could develop among refiners', reseller-retailers', and retailers' maximum lawful selling prices of gasoline at the retail level. Such differentials could cause severe disruptions and imbalances in the supply and distribution of motor gasoline. Such disruptions and imbalances will cause serious harm and injury to the public health, safety and welfare. Second, the inflationary impact and price distortions which could result if these rules are not adopted immediately, will cause severe economic harm and injury. Therefore, for the reasons stated above and for the reasons stated in the preamble to the final rules adopted July 15, 1979, regarding the retailers' price rules for motor gasoline, we have waived these requirements to the extent necessary to adopt these amendments effective August 1, 1979.

B. *Section 553 of the Administrative Procedure Act.*—Section 553(d) of the Administrative Procedure Act requires that a substantive rule not become effective less than thirty days after its publication unless the agency promulgating the rule finds good cause to waive this requirement and publishes this finding together with the rule. We have determined that good cause is found to waive the section 553(d) requirement for the reasons stated above in support of adopting the amendments effective immediately.

C. *Written Comments.*—DOE will accept written comments on the final rules adopted today through November 16, 1979. DOE is permitting this extended comment period to allow interested parties to submit additional comments on appropriate changes or amendments to the rules once they are in effect. We are particularly interested in receiving comments concerning the definition of "acquisition cost," the posting requirements, and the new normal business practices rule.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub.

L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, Pub. L. 95–70 and Pub. L. 95–619; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91; E.O. 11790, 39 FR 23785; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 212 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below effective August 1, 1979, with respect to the new amendments added today and July 16, 1979 with respect to the corrective amendments to the retailer price rule.

Issued in Washington, D.C., July 30, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

1. Section 210.62 is amended to add a new paragraph (d) to read as follows:

§ 210.62 Normal business practices.

* * * * *

(d) Notwithstanding the provisions of this section:

(1) A retailer of gasoline may charge a fee for services offered for sale by the retailer provided: (i) the fee is not computed on a cents per gallon basis, and; (ii) the purchase of gasoline by the ultimate consumer is not contingent upon the purchase of any other service.

(2) A retailer shall not charge a fee to "pump" or dispense gasoline to the ultimate consumer.

(3) A retailer may offer discounts, premiums, and different commodities, services, credit terms or schedules, and equipment, than previously offered or sold.

* * * * *

2. Section 212.83(c)(1)(i) is amended to add a new subparagraph 212.83(c)(1)(i)(C) to read as follows:

§ 212.83 Price rule.

* * * * *

(c) *Allocation of increased costs.*

* * * * *

(1) *Allocation of increased costs incurred in the period "t"*—(i)(A) * * *.

(C) Notwithstanding any other provision of this Subpart, a refiner which sells gasoline to independent retailers at dealer tank wagon prices, may not charge a price in retail sales of gasoline at a retail outlet which exceeds the refiner's most recent dealer tank wagon price to the nearest independent retailer to that retail outlet, plus 15.4¢ per gallon, plus tax cost as defined in § 212.92.

* * * * *

3. Section 212.83(h)(2)(iv) is revised to read as follows:

§ 212.83 Price rule.

* * * * *

(h) *Equal application among classes of purchaser.*

* * * * *

(2) *Special rules.*

* * * * *

(iv) *Retail sales of gasoline by refiners.* (A) When a refiner calculates the amount of increased costs not recouped that may be added to May 15, 1973, selling prices of gasoline to compute maximum allowable prices in a subsequent month, it may, notwithstanding the general rule in [subparagraph (1) above] of this section, compute revenues as though (I) the greatest amount of increased costs actually added to any May 15, 1973, selling price of gasoline and included in the price charged to any class of purchaser that purchases gasoline at retail from a refiner at any service station operated by employees of the refiner had been added to the May 15, 1973, selling prices of that product and included in the price charged to each class of purchaser that purchases gasoline at retail from a refiner at any service station operated by employees of the refiner and, (II) the greatest amount of increased costs actually added to the May 15, 1973, selling price of gasoline and included in the price charged to any class of purchaser that purchases gasoline at retail from a refiner at any service station operated by employees of the refiner had been added, in the same amount (less any actual differential or three cents per gallon, whichever is less) to the May 15, 1973 selling prices of gasoline and included in the price charged to all other classes of purchaser.

(B) When a firm calculates the amount of increased costs not recouped that may be added to the May 15, 1973, selling price of gasoline to compute maximum allowable prices in a subsequent month, it may, notwithstanding the general rule in subparagraph (1) above, with respect to retail sales of gasoline, include the amount by which the greatest amount of increased costs actually added to any May 15, 1973, selling price of gasoline to any class of purchaser exceeds the amount of increased costs which could have been added to the May 15, 1973, selling price in retail sales of gasoline but for the limitation in § 212.83(c)(1)(i)(C).

* * * * *

4. Section 212.92 is amended to correct the inadvertent deletion of the definitions of "Increased rental cost" and "Vapor recovery system cost." "Increased rental cost" follows the definition of "Exchange" in the section and "Vapor recovery system cost" is the last definition in the section. The definitions of "Acquisition cost" and "Tax cost" are amended to read as follows:

§ 212.92 Definitions.

For purposes of this Subpart—

"Acquisition cost" means: (a) for retailers which make three (3) consecutive purchases from the same supplier, the actual purchase price paid for the most recent purchase of a product, or;

(b) for all other retailers, the weighted average purchase price paid for the three (3) most recent purchases computed on a cents per gallon basis.

(c) Notwithstanding the provisions in paragraph (a) and (b) above, for any retailer which historically makes more than three (3) purchases in a twenty-four (24) hour period, the acquisition cost is the weighted average purchase price paid in the immediately preceding three (3) day period.

(d) The purchase price shall:

(1) be computed on a cents per gallon basis;

(2) be substantiated by written evidence of delivered product; and

(3) Include transportation costs of bringing the product into inventory.

(e) DOE may disallow any purchases which have the effect of frustrating the purpose of the price regulations.

* * * * *

"Increased rental cost" means the rent, in terms of cents per gallon, with respect to that portion of real property leased for purposes of retail gasoline sales, paid to an independent lessor for the calendar month preceding the calendar month in which gasoline is sold minus the rent, stated in terms of cents per gallon, with respect to the same real property leased for purposes of retail gasoline sales, paid to an independent lessor for the month of May 1973. For purposes of this paragraph, "independent lessor" means a lessor which is not directly or indirectly controlled by the lessee concerned or by any firm which directly or indirectly controls that lessee.

* * * * *

"Tax cost" means the cost of federal, local, and state excise, sales, and other similiar taxes attributable to gasoline sales and computed on a cents per gallon basis. Federal, state, and local income, property, franchise, and other similar taxes are not included in this amount.

* * * * *

"Vapor recovery system cost" means the unrecovered installation and purchase cost incurred by the seller since May 15, 1973 with respect to a gasoline vapor recovery system required by a Federal, state, or local governmental authority. For purposes of this paragraph, the cost incurred with respect to a vapor recovery system may be recovered in one month or may be prorated over a period of months. Each seller will be required to establish an accounting method by which vapor recovery costs shall be recovered. Once the method is established, the seller will apply the method consistently over the period for the recovery of costs. A seller may not recover in sales of gasoline a total amount attributable to such costs which exceeds the seller's actual vapor recovery system cost. In any one month, the portion of vapor recovery system costs that are available for recovery in that month shall be applied equally to, and shall be deemed to have been recovered on, each gallon of gasoline sold and for purposes of § 212.83(f) of this Part shall be deemed to have been recovered before all other nonproduct costs.

* * * * *

5. Section 212.93(a) is revised to read as follows:

§ 212.93 Price rule.

(a)(1) Except for retail sales of gasoline by retailers, a seller may not charge a price for an item subject to this subpart which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, plus an amount which reflects, on a dollar-for-dollar basis, the increased product costs concerned. Each seller shall maintain records sufficient to justify prices charged which reflect increased product costs, including, if applicable, records which demonstrate that the seller qualifies to determine increased product costs according to separate inventories. With respect to an item which is blended by the seller, and which was not sold by the seller on or before May 15, 1973, the "weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973" shall be imputed to be the lawful price charged by the seller for the predominant covered product in the blend in transactions with the class of purchaser concerned on May 15, 1973.

(2) With respect to sales of gasoline by retailers, a retailer may not charge a price in a sale of any type or grade of gasoline which exceeds the most recent acquisition cost, plus 15.4 cents per gallon, plus tax costs attributable to sales of that type or grade of gasoline. Beginning December 15, 1979, DOE shall adjust semi-annually the fixed cents per gallon markup to reflect the GNP deflator.

(3)(i) Upon ten (10) days prior notice to the Administrator, the Governor of a State may increase the fixed cents per gallon markup as described in subparagraph (a)(2) above for all or some of the retailers in the State by an amount not to exceed ten (10) cents per gallon provided the increase is cost justified and achieves the objectives of the Emergency Petroleum Allocation Act of 1973, as amended. The Governor must receive prior approval from the Administrator to grant any other increases to the fixed cents per gallon markup.

(ii) Any adjustments to the fixed cents per gallon markup made by the Governor pursuant to this section may be disallowed by the Administrator at any time.

(iii) For purposes of this section, the term "Governor" includes the Governors of the 50 States, and the Chief Executive Officers of the District of Columbia, Puerto Rico, and the territories and possessions of the United States, other than the Panama Canal Zone.

(4) With respect to retail sales of gasoline by reseller-retailers which sell gasoline to independent retailers at dealer tank wagon prices, a reseller-retailer may not charge a price in retail sales of gasoline at a retail outlet which exceeds the most recent dealer tank wagon price the reseller-retailer charged to the nearest independent retailer to that retail outlet, plus 15.4 cents per gallon, plus tax costs.

* * * * *

6. Sections 212.93(b)(1) (i) and (ii) which were inadvertently deleted are reinserted and amended to read as follows:

* * * * *

(b) Notwithstanding the provisions of paragraph (a) of this section:

(1) With respect to gasoline; (i) in retail sales, a seller (other than a retailer) may charge one cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, and, with respect to all other sales a seller may charge one-half cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section to reflect non-product cost increases that the seller incurred after May 15, 1973, provided that, subsequent to January 1, 1979, such non-product cost increases shall not include those costs that are or could have been recovered under either paragraph (b)(1)(ii)(B) or paragraph (b)(1)(ii)(C) of this section.

(ii)(A) Beginning with March 1974, in retail sales of gasoline, a seller (other than a retailer) may charge two cents per gallon of gasoline in excess of the amount otherwise permitted to be charged for that item pursuant to this section, including paragraph (b)(1)(i) of this section, to reflect increases in non-product costs incurred by the seller concerned since May 15, 1973, provided that, subsequent to January 1, 1979, such non-product cost increases shall not include those non-product costs that are or could have been recovered under either paragraph (b)(1)(ii)(B) or paragraph (b)(1)(ii)(C) of this section.

(B) Beginnning January 1, 1979, in retail sales of gasoline, a seller (other than a retailer) may charge an amount in excess of the price otherwise permitted to be charged for that item pursuant to this section (including paragraphs (b)(1)(i) and (b)(1)(ii)(A) of this section), which reflects increased rental costs not otherwise recovered.

(C) Beginning January 1, 1979, in retail sales of gasoline, a seller (other than a retailer) may charge an amount in excess of the price otherwise permitted to be charged for that item pursuant to this section (including paragraphs (b)(1)(i) and (b)(1)(ii) (A) and (B)), which reflects a portion of vapor recovery system cost as set forth in § 212.92 not otherwise recovered.

* * * * *

7. Section 212.93(e) is amended by adding new subparagraphs (3) and (4) to read as follows:

* * * * *

(e) Notwithstanding the provisions of paragraph (a) of this section and except for retail sales of gasoline by retailers:

* * * * *

(3) With respect to retail sales of gasoline by retailers, increased product costs not recouped on or before July 16, 1979 shall not be carried forward pursuant to subparagraph (1) of this section to be recouped after July 16, 1979.

(4) When a reseller-retailer calculates the amount of increased costs not recouped that may be added to the May 15, 1973, selling price of gasoline to compute maximum allowable prices, it may, notwithstanding the general rule in paragraph (e)(1) of this section, with respect to retail sales of gasoline, include the amount by which the greatest amount of increased costs actually added to any May 15, 1973,

selling price of gasoline to any class of purchaser exceeds the amount of increased costs which could have been added to the May 15, 1973, selling price in retail sales of gasoline but for the limitation in § 212.93(b)(4).

* * * * *

8. Section 212.129 is amended by revising paragraph (b) and by adding a new paragraph (d) to read as follows:

§ 212.129 Price information and posting.

* * * * *

(b) Each retail seller of gasoline shall comply with subparagraph (1) or, in the alternative, subparagraph (2), of this paragraph.

(1) Each retail seller of gasoline shall post and maintain in legible form the maximum lawful selling price of each type and grade of gasoline. The maximum lawful selling price shall be posted either: (i) on each face of each pump used to dispense gasoline at retail outlets in numbers not less than one-half (½) inch high or (ii) at a prominent location which is easily visible (in numbers not less than four (4) inches high) to a customer purchasing gasoline at the retail outlet. The posting of the actual selling price is not considered to be the posting of the maximum lawful selling price as required by this subparagraph. Whenever an adjustment is made to the maximum lawful selling price, each retail seller must post the new adjusted maximum lawful selling price, and remove the prior posted price.

(2) Each retail seller of gasoline shall post and maintain in legible form a certification that the maximum lawful selling price for a particular type or grade of gasoline has been calculated by the retail seller and that the actual selling price for that type or grade of gasoline is either equal to or less than its maximum lawful selling price. Such certification shall be placed either: (i) on each face of each pump used to dispense gasoline at the seller's retail outlet in letters not less than one-half (½) inch high or (ii) at a prominent location which is easily visible (in letters not less than four (4) inches high) to customers purchasing gasoline at the seller's retail outlet.

* * * * *

(d) The maximum lawful selling price may, at the discretion of DOE, be decreased by five (5) cents per gallon for each day of failure to comply with § 212.129(b), plus an additional 30 days.

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Vol. 44, No. 149
Wednesday, August 1, 1979

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

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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.**

TABLE OF EFFECTIVE DATES AND TIME PERIODS—AUGUST 1979

This table is for use in computing dates certain in connection with documents which are published in the Federal Register subject to advance notice requirements or which impose time limits on public response.

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In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
August 1	August 16	August 31	September 17	October 1	October 30
August 2	August 17	September 4	September 17	October 1	October 31
August 3	August 20	September 4	September 17	October 2	November 1
August 6	August 21	September 5	September 20	October 5	November 5
August 7	August 22	September 6	September 21	October 9	November 5
August 8	August 23	September 7	September 24	October 9	November 6
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August 10	August 27	September 10	September 24	October 9	November 8
August 13	August 28	September 12	September 27	October 12	November 12
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August 15	August 30	September 14	October 1	October 15	November 13
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August 27	September 11	September 26	October 11	October 26	November 26
August 28	September 12	September 27	October 12	October 29	November 26
August 29	September 13	September 28	October 15	October 29	November 27
August 30	September 14	October 1	October 15	October 29	November 28
August 31	September 17	October 1	October 15	October 30	November 29

CFR CHECKLIST; 1978/1979 ISSUANCES

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

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70–79	5.25
80–end	7.00
48 [Reserved]	
49 Parts:	
1–99	3.25
100–199	9.25
200–999	12.00
1000–1199	5.00
1200–1299	6.50
1300–end	4.50
50	5.75

AGENCY ABBREVIATIONS

Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CEA Commodity Exchange Authority
EMS Export Marketing Service
EOA Energy Office, Department of Agriculture
ESCS Economics, Statistics, and Cooperatives Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
RDS Rural Development Service
REA Rural Electrification Administration
RTB Rural Telephone Bank
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
Census Census Bureau
EDA Economic Development Administration
FTZB Foreign-Trade Zones Board
ITA Industry and Trade Administration
MA Maritime Administration
MBEO Minority Business Enterprise Office
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NSA National Shipping Authority
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DCPA Defense Civil Preparedness Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

DOE Energy Department

BPA Bonneville Power Administration
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHADOE Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HEW Health, Education, and Welfare Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Center for Disease Control
ESNC Educational Statistics National Center
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
MSI Museum Services Institute
NIH National Institutes of Health
NIOSH National Institute of Occupational Safety and Health
OE Office of Education
PHS Public Health Service
RSA Rehabilitation Services Administration
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
FDAA Federal Disaster Assistance Administration
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
HCRS Heritage Conservation and Recreation Service
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMRE Surface Mining Reclamation and Enforcement Office

JUSTICE Justice Department

DEA Drug Enforcement Administration
INS Immigration and Naturalization Service
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections

LABOR Labor Department

BLS Bureau of Labor Statistics
BRB Benefits Review Board
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office

LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs
W&H Wage and Hour Division

STATE State Department

AID Agency for International Development
FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MTB Materials Transportation Bureau
NHTSA National Highway Traffic Safety Administration
OHMR Office of Hazardous Materials Regulations
OPSR Office of Pipeline Safety Regulations
RSPA Research and Special Programs Administration
SLS Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
ESO Economic Stabilization Office (temporary)
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

AC Aging Federal Council
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CASB Cost Accounting Standards Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
CWPS Wage and Price Stability Council
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
ESSA Endangered Species Scientific Authority
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FCSC Foreign Claims Settlement Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRS Federal Reserve System
FTC Federal Trade Commission
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPA Federal Preparedness Agency
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Services
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
ICA International Communication Agency
ICC Interstate Commerce Commission
ICP Interim Compliance Panel (Coal Mine Health and Safety)
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit System Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NNRC National Neighborhood Reinvestment Corporation
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
TVA Tennessee Valley Authority
USIA United States Information Agency
VA Veterans Administration
WRC Water Resources Council

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

Agriculture Marketing Service—

40491 7–11–79 / Cotton and cottonseed; revision in fees

COMMERCE DEPARTMENT

Census Bureau—

38832 7–3–79 / Requirement for employer identification number and change in value requirement for filing of shipper's export declaration

[Corrected at 44 FR 40064, 7–9–79]

COMMODITY FUTURES TRADING COMMISSION

25431 5–1–79 / Reports by futures commission merchants and foreign brokers; carrying and reporting the total open long and short positions in omnibus accounts

ENERGY DEPARTMENT

Economic Regulatory Administration—

37940 6–29–79 / Mandatory petroleum allocation; removal of 21 cents per barrel entitlement penalty on uncontrolled crude oil

FEDERAL COMMUNICATIONS COMMISSION

37509 6–27–79 / FM broadcast station in Big Pine Key, Fla.; changes in table of assignments

29067 5–18–79 / Private land mobile radio service; system licensing; identification requirements

40310 7–10–79 / Public safety, special emergency industrial and land transportation radio services; licensing system; call signs; correction

FEDERAL RESERVE SYSTEM

33837 6–13–79 / Electronic Fund Transfers; Disclosure of Consumers' Liability for Unauthorized Transfers

JUSTICE DEPARTMENT

Prisons Bureau—

38236 6–29–79 / Control, custody, care, treatment, and instruction of inmates

NATIONAL CREDIT UNION ADMINISTRATION

32358 6–6–79 / Borrowed funds from credit union members

STATE DEPARTMENT

Agency for International Development—

41425 7–17–79 / Overseas Shipments of Supplies by Voluntary Nonprofit Relief Agencies

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

43286 7–24–79 / Handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg.; comments by 8–8–79

32706 6–7–79 / Navel oranges grown in Arizona and part of California; establishment of separate district, comments by 8–6–79

Animal and Plant Health Inspection Service—

34501 6–15–79 / Witchweed quarantine; miscellaneous amendments to regulated areas; comments by 8–10–79

Food and Nutrition Service—

33380 6–8–79 / Food Stamp Act of 1977; miscellaneous amendments; comments by 8–7–79

Rural Electrification Administration—

40319 7–10–79 / Advance notice, audit of accounting records and accounting interpretations; comments by 8–9–79

33076 6–8–79 / Telephone outside plant construction contract; revision of existing contract and specifications; comments by 8–7–79

CIVIL AERONAUTICS BOARD

32399 6–6–79 / Escrow depository requirements for public charters; comments by 8–6–79

COMMERCE DEPARTMENT

Economic Development Administration—

32359 6–6–79 / Organizational structure of economic development districts; comments by 8–6–79

National Oceanic and Atmospheric Administration—

39564 7–6–79 / Foreign fishing regulations; recording of numbers of salmon and halibut discarded; comments by 8–6–79

Office of the Secretary—

32958 6–7–79 / Regional Action Planning Commissions Operations; administration regulations; comments by 8–6–79

CONSUMER PRODUCT SAFETY COMMISSION

40524 7–11–79 / Procedures for export of noncomplying products; proposed notification requirements; extension of comment period; comments by 8–10–79

[Originally published at 44 FR 27685, 5–11–79]

ENERGY DEPARTMENT

33344 6–8–79 / Industrial energy conservation program including proposed voluntary recovered materials utilization targets; comments by 8–7–79

36987 6–25–79 / Residential Conservation Service Program; comments period extended to 8–9–79

[Originally published at 44 FR 16546, March 19, 1979]

Federal Energy Regulatory Commission—

33410 6–11–79 / Calculation of cash working capital allowance for electric utilities; replies to Commission Staff comments by 8–8–79

40330 7–10–79 / Natural gas curtailment priority; comments by 8–10–79

40525 7–11–79 / Research, development, and demonstration expenses relating to rate schedules filed by electric utilities; comments by 8–8–79

Western Area Power Administration—

40118 7–9–79 / Central Valley Project, power rates; comments by 8–8–79

ENVIRONMENTAL PROTECTION AGENCY

40078 7–9–79 / Air pollution; revisions to Vermont State Implementation Plan; comments by 8–8–79

39486 7–6–79 / Air quality control regions, criteria, and control techniques; attainment status designations—Arizona; comments by 8–6–79

39234 7–5–79 / Air quality implementation plan revisions, Arizona; comments by 8–6–79

39485 7–6–79 / Air quality implementation plan; availability of revision for State of Oregon; comments by 8–6–79

39484 7–6–79 / Air quality implementation plans; requirements for preparation, adoption, and submittal of implementation plans for Wisconsin; comments by 8–6–79

43495 7–25–79 / Disapproval of revision to Michigan State Implementation Plan; comments period extended to 8–6–79
[Originally published at 44 FR 35263, June 19, 1979]
27362 5–9–79 / Good laboratory practice standards for health effects; comments by 8–7–79
27334 5–9–79 / Proposed health effects test standards for Toxic Substances Control Act test rules; comments by 8–7–79
39026 7–3–79 / Toxic substances; comments by 8–6–79

FEDERAL COMMUNICATIONS COMMISSION
38917 7–3–79 / Applications for certificates of compliance and Federal-State/Local regulatory relationships; reply comments by 8–6–79
31673 6–1–79 / Duncan, Oklahoma; changes in table of assignments of FM broadcast stations; reply comments by 8–6–79
30128 5–24–79 / FM broadcast stations in Haskell, Tex.; change in table of assignments; reply comments by 8–6–79
34980 6–18–79 / FM broadcast stations, Moriah, N.Y.; table of assignments; comments by 8–6–79
34981 6–18–79 / FM broadcast stations in Murfreesboro, Ark.; table of assignments; comments by 8–6–79
42734 7–20–79 / FM broadcast stations in North Platte, Nebr.; table of assignments; comments by 8–8–79
34979 6–18–79 / FM broadcast stations in St. Simon's Island; table of assignments; comments by 8–6–79
42734 7–20–79 / FM quadraphonic broadcasting; reply comments by 8–10–79
30129 5–24–79 / TV broadcast stations in McAllen and Brownsville, Tex.; changes in table of assignments; reply comments by 8–6–79

FEDERAL DEPOSIT INSURANCE CORPORATION
40056 7–9–79 / Foreign banks; clarification and definition of deposit insurance coverage; comments by 8–8–79
33077 6–8–79 / Securities of insured nonmember State banks; comments by 8–7–79

FEDERAL MARITIME COMMISSION
43322 7–24–79 / Amendment to financial reports by common carriers by water in the domestic offshore trades; comments by 8–8–79

FINE ARTS COMMISSION
42728 7–20–79 / Organizational regulations; comments by 8–6–79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Education Office—
33022 6–7–79 / Correction Education Demonstration Program; comments by 8–6–79
33036 6–7–79 / Preschool Partnership Program; comments by 8–6–79
33028 6–7–79 / Safe Schools Program; comments by 8–6–79

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Office of Assistant Secretary for Community Planning and Development—
33372 6–8–79 / Community development block grants; urban development action grants; comments by 8–7–79
Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection—
32711 6–7–79 / Revision of mobile home construction and safety standards; comments by 8–6–79

INTERIOR DEPARTMENT
Fish and Wildlife Service—
40534 7–11–79 / Wildlife development areas; comments by 8–10–79
Indian Affairs Bureau—
40345 7–10–79 / Tribes organized under the Indian Reorganization Act (2 documents); comments by 8–10–79
Land and Management Bureau—
32590 6–6–79 / Areas of critical environmental concern, intent to prepare policy and guideline; comments by 8–6–79
26130 5–4–79 / Leasing of minerals other than oil and gas; comment period extended to 8–6–79
[Originally published at 44 FR 12464, 3–7–79]

INTERSTATE COMMERCE COMMISSION
40217 7–9–79 / Motor Carriers of freight concerning practices; comments by 8–8–79
39560 7–6–79 / Standards for determining commuter rail service continuation subsidies; comments by 8–10–79

NUCLEAR REGULATORY COMMISSION
32394 6–6–79 / Testing of radioisotope generators; comments by 8–6–79

PERSONNEL MANAGEMENT OFFICE
32223 6–5–79 / Federal employee health benefits for members of medically underserved population; comments by 8–6–79

POSTAL SERVICE
40076 7–9–79 / Proposal to allow private delivery of "extremely urgent" letters; comments by 8–10–79

TRANSPORTATION DEPARTMENT
Federal Railroad Administration—
40174 7–9–79 / Environmental Impacts; comments by 8–8–79
Materials Transportation Bureau—
32972 6–7–79 / Display of hazardous materials identification numbers; improved emergency response capability; comments by 8–7–79
[Corrected at 44 FR 34171, 6–14–79]

TREASURY DEPARTMENT
Customs Service—
40075 7–9–79 / Entry of imported merchandise; revised customs form; comments period extended to 8–10–79
[Originally published at 44 FR 29916, 5–23–79]
Internal Revenue Service—
32235 6–5–79 / Determination of amounts at risk with respect to certain activities; comments by 8–6–79
39200 7–5–79 / Treatment of original issue discount on certain short-term cooperate obligations; comments by 8–6–79

Next Week's Meetings

AGING, FEDERAL COUNCIL
40725 7–12–79 / Long Term Care Committee, Washington, D.C. (open), 8–6–79

ARTS AND HUMANITIES, NATIONAL FOUNDATION
42343 7–19–79 / Humanities Panel Advisory Committee, Washington, D.C. (closed), 8–6 through 8–10–79

CIVIL RIGHTS COMMISSION
43031 7–23–79 / California Advisory Committee; Los Angeles, Calif. (open), 8–10–79
41992 7–18–79 / Illinois Advisory Committee, Chicago, Ill. (open), 8–8–79
41276 7–16–79 / North Carolina Advisory Committee, Asheville, N.C. (open), 8–8–79

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
43035 7–23–79 / Gulf of Mexico Fishery Management Council, Corpus Christi, Tex. (open), 8–7 through 8–9–79
41276 7–16–79 / Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 8–8 through 8–10–79

DEFENSE DEPARTMENT

Air Force Department—

42755 7–20–79 / Community College of the Air Force Advisory Committee, Montgomery, Ala. (open), 8–10–79

Army Department—

41908 7–18–79 / Board of Visitors, U.S. Military Academy, West Point, N.Y. (open), 8–6 through 8–8–79

42302 7–19–79 / Winter Navigation Board on Great Lakes—St. Lawrence Seaway, Cleveland, Ohio (open), 8–6 and 8–7–79

Navy Department—

43040 7–23–79 / Chief of Naval Operations Executive Panel Advisory Committee, Washington, D.C. (closed), 8–8 and 8–9–79

Office of the Secretary—

40220 7–9–79 / Defense Science Board, Research and Engineering, Newport, R.I. (open), 8–6 through 8–10–79

36222 6–21–79 / Wage Committee, Washington, D.C. (partially open), 8–7–79

ENERGY DEPARTMENT

Office of the Secretary—

37678 6–28–79 / Government Subcommittee of the Committee on Materials and Manpower Requirements, Houston, Tex. (open), 8–9–79

40916 7–13–79 / National Petroleum Council; Refinery Capability Task Group of the Committee on Refinery Flexibility, Houston, Tex. (open), 8–8–79

FEDERAL PAY ADVISORY COMMITTEE

40657 7–12–79 / Discussions on proposed adjustment in Federal pay for October 1979, Washington, D.C. (open), 8–6–79

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

42779 7–20–79 / Meeting, Washington, D.C. (open), 8–9–79

GENERAL SERVICES ADMINISTRATION

42340 7–19–79 / Architectural and Engineering Services Regional Public Advisory Panel, Boston, Mass. (open), 8–6 through 8–10–79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

38386 6–29–79 / Community Schools and Comprehensive Community Education Act; each of the ten regional headquarters cities (open), 8–7–79

37866 6–28–79 / Meetings on implementation of Adult Education Act, ten regional cities (open), 8–7–79

38184 6–29–79 / School assistance in areas affected by Federal activity and cases of certain disasters, Pierre, S.D. and Phoenix, Arizona (open), 8–7 and 8–9–79

Food and Drug Administration—

42781 7–20–79 / Consumer participation meeting, St. Petersburg, Fla. (open), 8–9–79

41548 7–17–79 / Panel on Review of Allergenic Extracts, Rockville, Md. (open), 8–9 through 8–11–79

National Institutes of Health—

41966 7–18–79 / Clinical Cancer Program Project and Cancer Center Support Review Committee (Clinical Cancer Program Project Review Subcommittee), Bethesda, Md. (partially open), 8–6 and 8–7–79

41966 7–18–79 / Clinical Trials Committee, Bethesda, Md. (partially open), 8–7 and 8–8–79

Office of the Secretary—

37692 6–28–79 / Model Adoption Legislation and Procedures Advisory Panel, Washington, D.C. (open), 8–6 through 8–8–79

Public Health Service—

43426 7–24–79 / National toxicology program, Washington, D.C. (open), 8–10–79

Social Security Administration—

42786 7–20–79 / Social Security Advisory Council, Washington, D.C. (open), 8–10 and 8–11–79

INTERIOR DEPARTMENT

Land Management Bureau—

41575 7–17–79 / Salt Lake District Grazing Advisory Board, Salt Lake City, Utah (open), 8–6–79

37336 6–26–79 / Winnemucca District Grazing Advisory Board, Winnemucca, Nev. (open), 8–7–79

National Park Service—

38681 7–2–79 / Appalachian National Scenic Trail Advisory Council, Carrabasett, Me. (open), 8–10–79

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

43126 7–23–79 / Media Arts Advisory Panel, Washington, D.C. (closed), 8–7–79

43539 7–25–79 / National Council on the Arts, Washington, D.C. (open), 8–10 through 8–12–79

NUCLEAR REGULATORY COMMISSION

43539 7–25–79 / Reactor Safeguards Advisory Committee, Washington, D.C. (partially open), 8–9 through 8–11–79

43374 7–24–79 / Reactor Safeguards Advisory Committee, ad hoc Subcommittee on the Three Mile Island, Unit 2 Accident Implications Re Nuclear Power Plant Design, Washington, D.C. (closed), 8–8–79

43375 7–24–79 / Reactor Safeguards Advisory Committee, Subcommittee on Regulatory Activities, Washington, D.C. (open), 8–8–79

43126 7–23–79 / Advisory Committee on Reactor Safeguards, Washington, D.C. (open with restrictions), 8–7–79

PRESIDENTIAL COMMISSION ON WORLD HUNGER

42354 7–19–79 / Draft portions of the Commission's report, Washington, D.C. (open), 8–10–79

SMALL BUSINESS ADMINISTRATION

40573 7–11–79 / Region V Advisory Council Executive Board, Chicago, Ill. (open), 8–8–79

VETERANS ADMINISTRATION

37106 6–25–79 / Station Committee on Educational Allowances, Indianapolis, Ind. (open), 8–6–79

33757 6–12–79 / Wage Committee, Washington, D.C. (closed), 8–9–79

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Forest Service—

42300 7–19–79 / Tuolumne wild and scenic river study report and environmental impact statement, Modesto, Calif., 8–7–79

42300 7–19–79 / Tuolumne wild and scenic river study report and environmental impact statement, San Francisco, Calif., 8–9–79

42300 7–19–79 / Tuolumne wild and scenic river study report and environmental impact statement, Oakland, Calif., 8–11–79

Transportation Office—

40368 7–10–79 / Rural Transportation Advisory Task Force, Mitchell, S.Dak., 8–8–79

ENERGY DEPARTMENT

42094 7-18-79 / Urban wastes demonstration facilities guarantee program, New Orleans, La., 8-9-79

Economic Regulatory Administration—

42545 7-19-79 / Motor gasoline allocation level provisions; amendments, Chicago, Ill., 8-9-79

40325 7-10-79 / Propane increased non-product costs; Washington, D.C., 8-8-79

Western Area Power Administration—

42767 7-20-79 / Central Valley Project; proposed rate order, Sacramento, Calif., 8-7-79

FOREIGN LANGUAGE AND INTERNATIONAL STUDIES, PRESIDENT'S COMMISSION

43808 7-26-79 / Federal Advisory Committee, Honolulu, Hawaii, 8-9 and 8-10-79

LABOR DEPARTMENT

Office of the Secretary—

40959 7-13-79 / Delaware Department of Labor, unemployment insurance law, Washington, D.C., 8-8-79

40961 7-13-79 / New Jersey Department of Labor and Industry, unemployment insurance law, Washington, D.C., 8-8-79

40963 7-13-79 / New York Department of Labor, unemployment insurance law, Washington, D.C., 8-8-79

TREASURY DEPARTMENT

Internal Revenue Service—

39201 7-5-79 / Treatment of original issue discount on certain short-term corporate obligations, Washington, D.C., 8-14-79

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing July 30, 1979

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.

DEADLINES FOR COMMENTS ON PROPOSED RULES

43712 7-26-79 / Commerce/EDA—Supplementary grant rates for public works project; comments by 9-24-79

44096 7-26-79 / HEW/OE—Family contribution schedules; Basic Opportunity Educational Grant; comments by 9-10-79

APPLICATIONS DEADLINES

43330 7-24-79 / Commerce/MBEO—Financial assistance application announcement; apply by 8-17-79

43807 7-26-79 / HEW/OE—School assistance in federally affected areas filing date for fiscal year 1979 applications; apply by 8-27-79

44278 7-27-79 / HUD/CPD—Small discretionary grants under Community Development Block Grant Program; dates for submission of applications; corrections

MEETINGS

44308 7-27-79 / NSF—Earth Sciences Advisory Committee, San Diego, Calif. (closed), 8-16 and 8-17-79

44307 7-27-79 / NFAH—Literature Advisory Panel, Washington, D.C. (partially open), 8-17 through 8-19-79

44308 7-27-79 / NSF—Minority Programs in Science Education Advisory Committee, Washington, D.C. (open), 8-13-79

44308 7-27-79 / NSF—Science and Society Advisory Committee, Washington, D.C. (closed), 8-16 and 8-17-79

44307 7-27-79 / NFAH—Visual Arts Advisory Panel, Washington, D.C. (closed), 8-22 through 8-24-79

OTHER ITEMS OF INTEREST

43806 7-26-79 / EPA—Sold hazardous waste management program support grants; class deviation

43439 7-24-79 / HEW/OE—Financial assistance for local educational agencies in areas affected by Federal activity

43353 7-24-79 / Justice/LEAA—Change to guide for discretionary grant programs, for Fiscal Year 1979

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1979)

Quantity	Volume	Price	Amount
_____	Title 18—Conservation of Power and Water Resources (Part 150-End)	$7.00	$_____
_____	Title 19—Customs Duties	7.50	_____
_____	Title 21—Food and Drugs (Parts 100-199)	7.50	_____
_____	Title 21—Food and Drugs (Parts 300-499)	7.00	_____
_____	Title 24—Housing and Urban Development (Parts 500-1699)	7.50	_____
_____	Title 24—Housing and Urban Development (Part 1700-End)	6.00	_____
		Total Order	$_____

[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

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