

Federal Register

Thursday
August 16, 1979

Highlights

- 47916 Sale of F-4 Aircraft and Missile Systems to Egypt**
Presidential determination 79-13
- 47915 Sale of F-5E and F-5F Aircraft to Thailand**
Presidential determination No. 79-12
- 47958 Income Tax** Treasury/IRS proposes rules concerning taxes on excess holdings of private foundations
- 48040 Improving Government Regulations** HEW publishes semiannual agenda of regulations (Part II of this issue)
- 47953 Securities** SEC proposes rule concerning annual assessment for nonmember broker-dealers, comments by 9-7-79
- 47935 Grantee Financial Management** CSA issues rule affecting the non-Federal share contribution required when financial assistance is provided to State Economic Opportunity Offices; effective 9-17-79
- 47927 Foreign Service Retirement and Disability System** State issues rule concerning overpayment to annuitants; effective 7-20-79
- 47937 Asbestos** DOT/MTB revises rules concerning transportation of asbestos, effective 8-20-79

CONTINUED INSIDE



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$50 per year, payable in advance. The charge for individual copies of 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Area Code 202-523-5240

Highlights

- 48134 Toxic Substances** Council on Environmental Quality requests comments on report to the President by the Toxic Substances Strategy Committee, comments by 9-30-79 (Part IV of this issue)
- 47996 Crude Oil Transportation Systems** Interior solicits comments on the department's report on Crude Oil Transportation Systems and Federal Agency Recommendations, comments by 9-28-79
- 47959 Mail Service** PS proposes rule to allow certain enclosures in publications that are mailed at the controlled circulation postage rates, comments by 9-15-79
- 47966 Transportation of Radioactive Materials** DOT/MTB reopens comment period for receipt of comments by 10-16-79
- 48022 Ferroalloys From Spain** Treasury/CS issues preliminary countervailing duty determination; effective 8-16-79
- 47934 Methomyl** EPA establishes a tolerance for residues of the insecticide; effective 8-16-79
- 47951 Canadian Allocation Program** DOE issues notice of intent to defer issuance of final rule
- 47944 Corn Crop Insurance** USDA/FCIC proposes rule prescribing procedures for insuring corn crops effective with the 1980 crop year, comments by 10-15-79

48035 Sunshine Act Meetings

Separate Parts of This Issue

- 48040** Part II, HEW
- 48128** Part III, USDA/AMS
- 48134** Part IV, CEQ

Contents

Federal Register

Vol. 44, No. 160

Thursday, August 16, 1979

The President

PRESIDENTIAL DETERMINATIONS

- 47915 Thailand, sale of F-5E and F-5F aircraft (No. 79-12)
- 47916 Egypt, sale of F-4 aircraft and missile systems (Presidential Determination No. 79-13 of August 3, 1979)

Executive Agencies

Agricultural Marketing Service

RULES

- 47917 Celery grown in Florida
- 47917 Oranges, (Valencia) grown in Ariz. and Calif.

PROPOSED RULES

- Milk marketing orders:
- 47950 Nebraska-Western-Iowa
- 48128 Southwestern Idaho-Eastern Oregon

NOTICES

- Improving Government regulations:
- 47968 Mailing list for pre-notification of significant AMS actions; development

Agriculture Department

See also Agricultural Marketing Service; Federal Crop Insurance Corporation.

NOTICES

- 47969 Dairy quota allocation; cheese imports; inquiry

Air Force Department

RULES

- 47929 Air Force Academy Preparatory School; selection, disenrollment, and assignment procedures

NOTICES

- Meetings:
- 47975 Scientific Advisory Board

Army Department

See Engineers Corps

Civil Aeronautics Board

NOTICES

- Hearings, etc.:
- 47970 Former large irregular air service investigation
- 47970 Laker Airways Ltd.
- 48035 Meetings; Sunshine Act

Civil Rights Commission

NOTICES

- Meetings, State advisory committees:
- 47970 Pennsylvania

Coast Guard

RULES

- Boating safety:
- 47934 Boats and associated equipment; flotation standards; correction
- Drawbridge operations:
- 47932 Louisiana

Safety zones:

- 47933 Chesapeake Bay, Hampton Roads, James River, Newport News, Va.

Vessel traffic management:

- 47932 New Orleans vessel traffic service

NOTICES

Vessel traffic control:

- 48013, Portland, Maine; temporary control (2 documents)
- 48015

Commerce Department

See also Industry and Trade Administration; National Oceanic and Atmospheric Administration.

NOTICES

Organization and functions:

- 47973 Procurement and Automatic Data Processing Management Office
- 47974 Product and Program Management Office et al.

Community Services Administration

RULES

Grantees, funding:

- 47935 Non-federal share requirements

PROPOSED RULES

Community action programs:

- 47961 Establishment and eligibility

Customs Service

NOTICES

Authority delegations:

- 48022 Regulations and Rulings Office, Director Countervailing duty petitions and preliminary determinations:

- 48022 Ferroalloys from Spain

Customhouse broker license cancellations:

- 48022 Furman, Israel

Defense Department

See also Air Force Department; Engineers Corps.

RULES

Charters:

- 47931 Defense Mapping Agency

NOTICES

Meetings:

- 47976 Science Board task forces (2 documents)

Economic Regulatory Administration

RULES

- 47920 Natural gas; displace fuel oil; criteria and procedures

PROPOSED RULES

Petroleum allocation and price regulations:

- 47951 Canadian allocation program; deferral of final rule

NOTICES

Meetings:

- 47976 Gasoline Marketing Advisory Committee

- Education Office**
NOTICES
Meetings:
- 47988 Black Higher Education and Black Colleges and Universities National Advisory Council
- Energy Department**
See Economic Regulatory Administration; Federal Energy Regulatory Commission.
- Engineers Corps**
NOTICES
Environmental statements; availability, etc.:
- 47975 Kawainui Marsh, Oahu, Hawaii
- Environmental Protection Agency**
RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
- 47934 Methomyl
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
- 47959 California
47959 Ohio; extension of time
Air quality implementation plans; delayed compliance orders:
- 47960 West Virginia
- Environmental Quality Council**
NOTICES
48134 Toxic Substances Strategy Committee; report to President; inquiry
- Federal Aviation Administration**
RULES
Airworthiness directives:
- 47924 Boeing
47925, Control zones (2 documents)
47926
47925 Transition areas
PROPOSED RULES
Control zones
- 47953 Restricted areas; correction
47951, Transition areas (2 documents)
47952
- NOTICES
48016 Exemptions petitions; summary and disposition
- Federal Communications Commission**
RULES
Radio stations; table of assignments:
- 47936 Nevada
Television stations; table of assignments:
- 47935 Montana
PROPOSED RULES
Common carrier services:
- 47961 Second computer inquiry; extension of time
Radio stations; table of assignments:
- 47963 California
47962 Oklahoma
47964 Texas
- NOTICES
47987 FM broadcast applications ready and available for processing
- Federal Crop Insurance Corporation**
PROPOSED RULES
Crop insurance; various commodities:
- 47944 Corn
- Federal Deposit Insurance Corporation**
NOTICES
48035 Meetings; Sunshine Act (2 documents)
- Federal Energy Regulatory Commission**
NOTICES
Hearings, etc.:
- 47977 Consolidated Gas Supply Corp.
47977 El Paso Natural Gas Co.
47978 Florida Gas Transmission Co.
47978 Hunt, H. L., estate
47979 Perryton, Texas, City of
47983 Tennessee Gas Pipeline Co. et al.
47984 Texas Gas Transmission Corp.
Natural Gas Policy Act of 1978:
47979, Jurisdictional agency determinations (3
47984 documents)
- Federal Highway Administration**
RULES
Motor carrier safety regulations:
- 47938 Front tire marking requirements
- NOTICES
48017 Bridge tolls, etc.:
Great River Road
Committees; establishment, renewals, terminations, etc.:
- 48020 Uniform Traffic Control Devices National Advisory Committee
- Federal Maritime Commission**
NOTICES
Complaints filed:
- 47988 Pier Services, Inc. v. Portside Refrigerated Terminals, Inc.
- Federal Mine Safety and Health Review Commission**
NOTICES
48036 Meetings; Sunshine Act (2 documents)
- Federal Register Office**
RULES
48005 U.S. Senate procurement regulations; availability
- Federal Reserve System**
NOTICES
48036 Meetings; Sunshine Act
- Federal Trade Commission**
RULES
Prohibited trade practices:
- 47926 SKF Industries, Inc., et al.
- Fish and Wildlife Service**
RULES
Hunting:
- 47939 Arrowwood and Chase Lake National Wildlife Refuges, N. Dak., et al.
47940 Bombay Hook National Wildlife Refuge, Del.
47941 Erie National Wildlife Refuge, Pa.
47941 Prime Hook National Wildlife Refuge, Del.
- NOTICES
47988, Endangered and threatened species permits;
47989 applications (4 documents)

- General Services Administration**
See also Federal Register Office.
- NOTICES**
- Property management:
47934 Procurement sources and programs; supply sources priorities
- Health, Education, and Welfare Department**
See also Education Office; National Institutes of Health.
- PROPOSED RULES**
- Improving Government regulations:
48040 Regulatory agenda
- Heritage Conservation and Recreation Service**
- NOTICES**
- Historic Places National Register; additions, deletions, etc.:
47995 Massachusetts; correction
- Industry and Trade Administration**
- NOTICES**
- Scientific articles; duty-free entry:
47970 Columbia University et al.
- Interior Department**
See also Fish and Wildlife Service; Heritage Conservation and Recreation Service; Land Management Bureau; National Park Service.
- NOTICES**
- Environmental statements; availability, etc.:
47996 Crude oil transportation systems; inquiry
- Internal Revenue Service**
- PROPOSED RULES**
- Excise taxes:
47958 Private foundations; excess business holdings; modifications
- International Joint Commission—United States and Canada**
- NOTICES**
- 47996 Poplar River water quality; hearing
- Interstate Commerce Commission**
- NOTICES**
- Motor carriers:
48024, 48025 Permanent authority applications (2 documents)
48034 Transfer proceedings
Railroad freight rates and charges; various States, etc.:
48024 Wyoming; coal from; capital incentive rate; correction
Rerouting of traffic:
48033 All railroads
- Land Management Bureau**
- NOTICES**
- Meetings:
47994 Bakersfield District Grazing Advisory Board
Wilderness areas; characteristics, inventories, etc.:
47990 Montana, North Dakota, and South Dakota
47995 Utah and Colorado
- Withdrawal and reservation of lands, proposed, etc.:
47990, 47993 Alaska (2 documents)
Applications, etc.:
47994 New Mexico (2 documents)
47995 Utah (2 documents)
- Management and Budget Office**
- NOTICES**
- 48005 Agency forms under review
48007 State and local government productivity improvement, Federal supporting actions; draft report availability; inquiry
- Merit Systems Protection Agency**
- NOTICES**
- 48036 Meetings; Sunshine Act
- National Aeronautics and Space Administration**
- NOTICES**
- Meetings:
47997 Space and Terrestrial Applications Steering Committee
- National Highway Traffic Safety Administration**
- PROPOSED RULES**
- 47966 Motor vehicle safety standards:
Tires, new pneumatic, for passenger cars
- NOTICES**
- 48021 Motor vehicle defect proceedings; petitions, etc.:
Ford Motor Co. (1971-74 and 1976-78) Capris; hearing
Motor vehicle safety standards; exemption petitions, etc.:
48020 Goodyear Tire & Rubber Co.; new pneumatic tires, passenger cars
- National Institutes of Health**
- NOTICES**
- 47988 Grants peer review study team report; availability
- National Oceanic and Atmospheric Administration**
- NOTICES**
- Meetings:
47972 Mid-Atlantic Fishery Management Council
47973 New England Fishery Management Council
- National Park Service**
- NOTICES**
- 47995 Environmental statements; availability, etc.:
Big Bend National Park, Tex.
- National Science Foundation**
- NOTICES**
- 47997 Advisory committee reports; availability
- National Transportation Safety Board**
- NOTICES**
- 48001 Safety recommendations and accident reports; availability, responses, etc.
- Nuclear Regulatory Commission**
- RULES**
- Domestic licensing:
47918 On site, rent-free, exclusive use office space; immediate licensee facility

PROPOSED RULES

- 47950 Privacy Act; systems of records
- NOTICES**
- Applications, etc.:
- 47997 Boston Edison Co.
- 47998 Jersey Central Power & Light Co.
- 47999 Niagara Mohawk Power Corp.
- 48000 Philadelphia Electric Co., et al.
- 47999 Texas Utilities Generating Co., et al.
- 48001 Regulatory guides; issuance and availability
- Rulemaking petitions:
- 47997 Doherty, John F.
- 47998 Edlow International Co.

Postal Rate Commission**NOTICES**

- Mail classification schedule, 1979:
- 48008 Red-tag proceeding; presiding officer reassigned
- Mail classification schedule, 1976:
- 48007 Reform schedule; presiding officer reassigned

Postal Service**PROPOSED RULES**

Domestic mail manual:

- 47959 Enclosures in controlled circulation publications
- NOTICES**
- 48008 Privacy Act; systems of records

Research and Special Programs Administration**RULES**

Hazardous materials:

- 47937 Asbestos; packaging; revisions

PROPOSED RULES

Hazardous materials:

- 47966 Radioactive materials, transportation requirements; reopening of comment period

Securities and Exchange Commission**PROPOSED RULES**

- 47953 Broker-dealers, nonmember; annual assessments
- NOTICES**
- Hearings, etc.:

- 48009 Schiff, Hardin & Waite Professional Retirement Plan
- 48010 Shenandoah Variable Annuity Fund A
- 48036 Meetings; Sunshine Act
- Self-regulatory organizations; proposed rule changes:
- 48009 Municipal Securities Rulemaking Board
- 48011 Stock Clearing Corporation of Philadelphia

State Department**RULES**

- 47927 Foreign service retirement and disability system; overpayment recovery
- NOTICES**

International conferences:

- 48011 Private sector representatives on U.S. delegations, list

Susquehanna River Basin Commission**NOTICES**

- 48013 Safe harbor hydroelectric project; hearing

Transportation Department

See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration; Urban Mass Transportation Administration.

RULES

Organizations, functions, and authority delegations:

- 47937 General Counsel; determination and settlement of tort claims

Treasury Department

See also Customs Service; Internal Revenue Service.

NOTICES

Tax treaties, income; various companies:

- 48023 United Kingdom

Urban Mass Transportation Administration**NOTICES**

Environmental statements; availability, etc.:

- 48021 Metropolitan Atlanta Rapid Transit Authority, heavy rail system at the Lindberg and Piedmont stations

Veterans Administration**NOTICES**

Meetings:

- 48023 Educational Allowances Station Committee

MEETINGS ANNOUNCED IN THIS ISSUE**CIVIL RIGHTS COMMISSION**

- 47970 Pennsylvania Advisory Committee, 9-14-79

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

- 47972 Mid-Atlantic Fishery Management Council, 9-12 thru 9-14-79
- 47973 New England Fishery Management Council, 9-5 and 9-6-79

DEFENSE DEPARTMENT

Department of Air Force—

- 47975 USAF Scientific Advisory Board, 9-11 and 9-12-79
- Office of Secretary—
- 47976 Defense Science Board Task Force on EMP Hardening of Aircraft, 9-5 and 9-6-79
- 47976 Defense Science Board Task Force on Naval Surface Ship Vulnerability, 9-20-79

EDUCATION OFFICE

- 47988 National Advisory Committee on Black Higher Education and Black Colleges and Universities, 9-10 and 9-11-79

ENERGY DEPARTMENT

Economic Regulatory Administration—

- 47976 Gasoline Marketing Advisory Committee and Ad Hoc Subcommittees, 9-5 and 9-6-79

INTERIOR DEPARTMENT

Bureau of Land Management—

- 47994 Bakersfield District Grazing Advisory Board,
9-14-79

NATIONAL AERONAUTICS AND SPACE

ADMINISTRATION

- 47997 Space and Terrestrial Steering Committee, Proposal
Evaluation Advisory Subcommittee, 9-6 & 9-7-79

VETERANS ADMINISTRATION

- 48023 Station Committee on Educational Allowances,
9-17-79

HEARINGS

INTERNATIONAL JOINT COMMISSION

- 47996 Water quality of the Poplar River, 9-10 and
9-11-79.

SUSQUEHANNA RIVER BASIN COMMISSION

- 48013 Safe Harbor Hydroelectric Project, 10-11-79

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR		42 CFR	
Administrative Orders:		Proposed Rules:	
Presidential Determinations:		Ch. I-IV.....	48040
No. 79-12 of July 31,		45 CFR	
1979.....	47915	1968.....	47935
No. 79-13 of August 3,		Proposed Rules:	
1979.....	47916	Subtitles A & B.....	48040
7 CFR		1062.....	47961
908.....	47917	47 CFR	
967.....	47917	Ch. I.....	47935
Proposed Rules:		73.....	47936
432.....	47944	Proposed Rules:	
1065.....	47950	64.....	47961
1135.....	48128	73 (3 documents).....	47962- 47964
10 CFR		49 CFR	
50.....	47918	1.....	47937
70.....	47918	173.....	47937
595.....	47920	393.....	47938
Proposed Rules:		Proposed Rules:	
9.....	47950	127.....	47966
214.....	47951	171.....	47966
14 CFR		172.....	47966
39.....	47924	173.....	47966
71 (3 documents).....	47925, 47926	174.....	47966
Proposed Rules:		175.....	47966
71 (2 documents).....	47951, 47952	176.....	47966
73.....	47953	177.....	47966
16 CFR		571.....	47966
13.....	47926	50 CFR	
17 CFR		32 (4 documents).....	47939- 47942
Proposed Rules:			
240.....	47953		
249.....	47953		
20 CFR			
Proposed Rules:			
Ch. III.....	48040		
21 CFR			
Proposed Rules:			
Ch. I.....	48040		
22 CFR			
17.....	47927		
26 CFR			
Proposed Rules:			
53.....	47958		
32 CFR			
360.....	47931		
903.....	47929		
33 CFR			
17.....	47932		
161.....	47932		
165.....	47933		
183.....	47934		
39 CFR			
Proposed Rules:			
111.....	47959		
40 CFR			
180.....	47934		
Proposed Rules:			
50.....	47959		
52.....	47959		
65.....	47960		
41 CFR			
101-26.....	47934		

Presidential Documents

Title 3—

Presidential Determination No. 79-12 of July 31, 1979

The President

Presidential Determination Under Section 4 of the Arms Export Control Act—Thailand

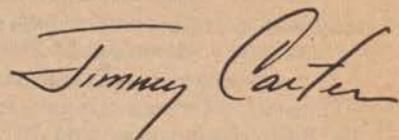
Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 4 of the Arms Export Control Act, as amended, I hereby determine that the financing under the Arms Export Control Act of the sale of F-5E and F-5F aircraft, and associated equipment, to Thailand is important to the national security of the United States.

You are requested on my behalf to report this determination to the Congress, as required by law.

This determination shall be published in the **Federal Register**.

THE WHITE HOUSE,
Washington, July 31, 1979.



[FR Doc. 79-25540

Filed 8-14-79; 3:43 pm]

Billing code 3195-01-M

Presidential Documents

Presidential Determination No. 79-13 of August 3, 1979

Presidential Determination Under Section 4 of the Arms Export Control Act—Egypt

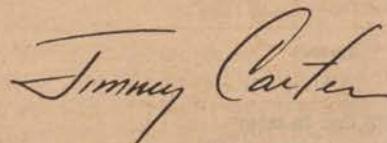
Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 4 of the Arms Export Control Act, as amended, I hereby determine that the financing under the Arms Export Control Act of the sale of F-4 aircraft and associated air-to-air and air-to-ground missiles, the Improved-Hawk surface-to-air missile system, and TOW antitank missiles to Egypt is important to the national security of the United States.

You are requested on my behalf to report this determination to the Congress, as required by law.

This determination shall be published in the **Federal Register**.

THE WHITE HOUSE,
Washington, August 3, 1979.



[FR Doc. 79-25541

Filed 8-14-79; 3:44 pm]

Billing code 3195-01-M

Rules and Regulations

Federal Register

Vol. 44, No. 160

Thursday, August 16, 1979

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 625]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 17-23, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: August 17, 1979.

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

SUPPLEMENTARY INFORMATION: Findings.

This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of

maintaining prices to farmers above the level which is declared to be the policy of Congress under the act.

The committee met on August 14, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia Oranges continues to be weak.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, the emergency nature of this regulation warrants publication without opportunity for further public comment, in accord with emergency procedures in Executive Order 12044. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An impact analysis is available from Malvin E. McGaha, (202) 447-5975.

§ 908.925 Valencia Orange Regulation 625.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 17, 1979, through August 23, 1979, are established as follows:

- (1) District 1: 265,000 cartons;
- (2) District 2: 235,000 cartons; and
- (3) District 3: Unlimited.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the market order.

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

Dated: August 15, 1979

William J. Doyle

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

[FR Doc. 79-25681 Filed 8-15-79; 11:40 am]

BILLING CODE 3410-02-M

7 CFR Part 967

Celery Grown in Florida; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This handling regulation establishes the quantity of Florida celery to be marketed fresh during the 1979-80 season, with the objective of assuring adequate supplies and orderly marketing.

EFFECTIVE DATE: August 16, 1979.

FOR FURTHER INFORMATION CONTACT: Peter G. Chapogas (202) 447-5432.

SUPPLEMENTARY INFORMATION:

Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR 967) regulate the handling of celery grown in Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Florida Celery Committee, established under the order, is responsible for local administration.

This regulation is based upon the unanimous recommendations made by the committee at its public meeting in Orlando on June 13.

The committee recommended a Marketable Quantity of 9,644,310 crates of fresh celery for the 1979-80 season. This is based on the appraisal of the expected supply and prospective market demand.

Notice of the proposed regulation was published in the July 23 Federal Register (44 FR 42998) inviting written comments by August 3, 1979. None was received.

The 9.6 million crate Marketable Quantity is 26 percent more than the 7.6 million crates marketed fresh during the season which ended July 31, 1979. Each producer registered pursuant to § 967.37(f) will have an allotment equal to 100 percent of his historical marketings. This regulation provides the industry an opportunity to (1) produce to its fullest capacity for the benefit of the consumer, and (2) determine its actual

or potential maximum production capacity.

As required by § 967.37(d)(1) a reserve of six percent of the 1978-79 total Base Quantities is authorized for new producers and for increases by existing producers, with 279,705 crates to be allotted to each category. Four producers submitted applications for additional Base Quantities for use only one season. However, pursuant to § 967.151 (43 FR 15608) the committee denied such applications since under the formula set forth in § 967.155 (43 FR 57239), Base Quantities for the applicants would be increased a total of 512,243 crates.

To maximize the benefits of orderly marketing the regulation should become effective as early as possible in August, when the marketing year begins. Interested persons were given an opportunity to comment on the proposal at an open public meeting on June 13, where it was unanimously recommended by the committee. This regulation is similar to ones in effect for past seasons.

Findings. On the basis of all considerations it is believed that this regulation will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the *Federal Register* (5 U.S.C. 553) in that (1) notice was given of the handling regulation set forth in this section through publicity in the production area and by publication in the July 23 *Federal Register*, (2) as provided in the marketing agreement and order, this regulation applies to celery marketed during the 1979-80 season, (3) compliance with this section will not require any special preparation by handlers which cannot be completed prior to the time actual handling of harvested celery begins, approximately the latter part of October, (4) prompt issuance of this regulation will be beneficial to all interested persons because it should afford producers and handlers maximum time to plan their operations accordingly, and (5) no useful purpose will be served by postponing such issuance.

This regulation has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should not be classified "significant." An Impact Analysis is available from Peter G. Chapogas—(202) 447-5432.

7 CFR Part 967 is amended by adding a new § 967.315 as follows:

§ 967.315 Handling regulation; marketing quantity; and uniform percentage for the 1979-80 season ending July 31, 1980.

(a) The Marketable Quantity is established under § 967.36(a) as 9,644,310 crates of celery.

(b) As provided in § 967.38(a), the Uniform Percentage shall be 100 percent.

(c) Pursuant to § 967.36(b), no handler shall handle any harvested celery unless it is within the Marketable Allotment of a producer who has a Base Quantity and such producer authorizes the first handler thereof to handle it.

(d) As required by § 967.37(d)(1) a reserve of six percent of the total Base Quantities is hereby authorized for (1) new producers and (2) increases for existing Base Quantity holders with 279,705 crates allotted to each category.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

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

Dated August 10, 1979 to become effective August 16, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-25300 Filed 8-15-79; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 70

Licensing of Production and Utilization Facilities; Facilities and Access for Resident Inspection

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to require power reactor licensees and construction permit holders and selected fuel facility licensees to provide (1) on site, rent-free, exclusive use of office space and (2) immediate licensee facility access to Commission inspection personnel. The rule is needed in order to facilitate implementation of a revised inspection program which was initiated in mid-1978. As a part of the revised program, the Commission is placing resident inspectors on site at selected nuclear power reactor construction sites, at selected power reactor sites in test and routine operations and at selected fuel facilities to observe and review licensee construction, operations, radiological safety,

safeguards and environmental protection activities.

EFFECTIVE DATE: September 17, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Edward L. Jordan, Assistant Director for Technical Programs, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Phone No. 301-492-8180.

SUPPLEMENTARY INFORMATION: On May 9, 1978, the Nuclear Regulatory Commission published in the *Federal Register* (43 FR 19860) a proposed amendment to its regulations, 10 CFR 50 *Licensing of Production and Utilization Facilities* and Part 70 *Special Nuclear Material*, which would implement authority of Section 161(o) of the Atomic Energy Act of 1954, as amended, and of the Energy Reorganization Act of 1974, as amended, in order to facilitate the on site resident inspection portion of its revised inspection program.

Interested persons were invited to submit written comments for consideration in connection with the proposed amendment by June 23, 1978. The comments which were received addressed three principal concerns: licensees should not be forced to provide rent-free space; the proposed space requirement was excessive and arbitrary; and inspector access provisions should be the same as for a regular plant employee.

In mid-1978, the Commission initiated a revised inspection program which includes the use of on site resident inspectors. Pursuant to Section 161(o) of the Atomic Energy Act of 1954, as amended, the Commission intends to place NRC resident inspectors on site at selected nuclear power reactor construction sites and at selected power reactor sites in test and in routine operation. Eventually the Commission expects to place full-time resident inspectors at all operating power reactors, at power reactors in later stages of construction and at selected fuel cycle facilities where nuclear reactor fuel is fabricated or processed. The resident inspector will observe and review licensee operations, construction safety, safeguards and environmental protection activities to determine whether they are adequate, conducted properly and at the required frequency. Other regionally or headquarters based NRC personnel will continue to provide technical support and management review as required for the inspection program.

In order to facilitate the performance of the resident inspection program it is necessary that office space be provided

to selected Commission personnel. The regulation as adopted requires that the licensee provide on site, rent-free, exclusive office space upon the request of the Director, Office of Inspection and Enforcement. This requirement is not unique in that other federal departments and agencies have continuous inspection programs that require those subject to their regulations to furnish appropriate facilities to the inspectors.

Sufficient space is required in order to accommodate a full-time inspector, a part-time secretary and transient NRC personnel. The suggested space is 250 square feet but the rule does not specify an exact area. The space provided is expected to be commensurate with space normally provided to licensee employees. For sites with more than one power reactor unit or fuel facility it may be necessary to assign more than one resident inspector. If additional resident inspectors are assigned to a site, additional space will be requested.

In order to assure that the resident inspector or regionally based inspectors are afforded the opportunity to conduct unfettered reviews of work in progress it is necessary and the regulation requires, that properly identified inspectors be provided immediate access to the facility (the same as regular licensee employees). The inspectors afforded such access will be provided by the licensee that site-specific radiological safety and security information necessary for their safety, security, and radiological protection and will conform to all facility safety and security requirements.

A briefing on site-specific radiological protection practices, security and emergency response actions is appropriate and sufficient for unescorted access to other than vital areas, radiation areas and areas contaminated with radioactive material, for those NRC personnel who infrequently visit a site. As a result of the comments on the proposed rule the Commission reexamined the legal basis for the requirement that licensees provide office space and determined that the requirement is neither an arbitrary use of the Commission's regulatory power nor an unreasonable burden on the licensee.

As a result of the concerns expressed in the comments over excessive space requirements, the Commission has changed the proposed area requirement to guidance, with the condition that the space provided shall be commensurate with other office facilities at the site. Acceptability of the space is in the authority of the Director, Office of Inspection and Enforcement.

As a result of comments on the proposed rule, the provision for access by inspectors likely to conduct inspections at a specific facility has been reworded to emphasize that unfettered access for inspectors who are likely to inspect a specific facility, will be equivalent to that for a regular plant employee. Inspectors likely to inspect are those who are expected to conduct several inspections at the specific facility during a given year.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 50 and 70 are published as a document subject to codification.

1. In § 50.70 of 10 CFR Part 50, an "(a)" is added preceding the present paragraph and paragraph (b) is added as follows:

§ 50.70 Inspections.

(b)(1) Each licensee and each holder of a construction permit shall upon request by the Director, Office of Inspection and Enforcement, provide rent-free office space for the exclusive use of the Commission inspection personnel. Heat, air conditioning, light, electrical outlets and janitorial services shall be furnished by each licensee and each holder of a construction permit. The office shall be convenient to and have full access to the facility and shall provide the inspector both visual and acoustic privacy.

(2) For a site with a single power reactor or fuel facility licensed pursuant to Part 50, the space provided shall be adequate to accommodate a full-time inspector, a part-time secretary and transient NRC personnel and will be generally commensurate with other office facilities at the site. A space of 250 square feet either within the site's office complex or in an office trailer or other on site space is suggested as a guide. For sites containing multiple power reactor units or fuel facilities, additional space may be requested to accommodate additional full-time inspector(s). The office space that is provided shall be subject to the approval of the Director, Office of Inspection and Enforcement. All furniture, supplies and communication equipment will be furnished by the Commission.

(3) The licensee or construction permit holder shall afford any NRC resident inspector assigned to that site, or other NRC inspectors identified by the

Regional Director as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection and personal safety.

2. In § 70.55 10 CFR Part 70, paragraph (c) is added as follows:

§ 70.50 Inspections.

(c)(1) In the case of fuel cycle facilities where nuclear reactor fuel is fabricated or processed each licensee shall upon request by the Director, Office of Inspection and Enforcement, provide rent-free office space for the exclusive use of Commission inspection personnel. Heat, air conditioning, light, electrical outlets and janitorial services shall be furnished by each licensee. The office shall be convenient to and have full access to the facility and, shall provide the inspector both visual and acoustic privacy.

(2) For a site with a single fuel facility licensed pursuant to Part 70, the space provided shall be adequate to accommodate a full-time inspector, a part-time secretary and transient NRC personnel and will be generally commensurate with other office facilities at the site. A space of 250 square feet either within the site's office complex or in an office trailer or other on site space is suggested as a guide. For sites containing multiple fuel facilities, additional space may be requested to accommodate additional full-time inspector(s). The office space that is provided shall be subject to the approval of the Director, Office of Inspection and Enforcement. All furniture, supplies and communication equipment will be furnished by the Commission.

(3) The licensee shall afford any NRC resident inspector assigned to that site, or other NRC inspectors identified by the Regional Director as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection and personal safety.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201), Sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841)).

Dated at Washington, D.C. this 10th day of August, 1979.

For The Nuclear Regulatory Commission,
 Samuel J. Chilk,
 Secretary of the Commission.
 [FR Doc. 79-25347 Filed 8-15-79; 8:45 am]
 BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration 10 CFR Part 595

[Docket No. ERA-R-79-16]

Certification of the Use of Natural Gas To Displace Fuel Oil

AGENCY: Department of Energy
 (Economic Regulatory Administration).

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy hereby adopts a final rule which establishes the criteria and procedures under which the Administrator of ERA will certify to the Federal Energy Regulatory Commission (FERC) that certain natural gas purchased by an end-user for its own consumption and to be transported by an interstate pipeline company will be used to displace fuel oil, but not coal. The ERA certification is a prerequisite for authorization of the transportation of the natural gas intended to displace fuel oil under the FERC rule at 18 CFR Part 284, Subpart F.

EFFECTIVE DATE: August 16, 1979.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street, N.W., Room 2130, Washington, D.C. 20461, (202) 254-9766.

Lawrence A. DiRiccio (Division of Natural Gas Regulations), Economic Regulatory Administration, 2000 M Street, N.W., Room 3308, Washington, D.C. 20461, (202) 632-4721.

David A. Eaton (Office of Petroleum Operations), Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, (202) 254-8202.

Michael T. Skinker (Office of General Counsel), James G. Beste, Department of Energy, Room 7140, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, (202) 633-8788.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion
- III. Certification Rule Summary
- IV. Environmental Impact
- V. Potential Program Impact

I. Background

The ERA is today adopting a final rule which sets forth the criteria and procedures by which firms who have the capability to use natural gas in place of fuel oil and can arrange for direct purchases and transportation of natural gas pursuant to FERC's Order No. 30 (18 CFR Part 284, Subpart F, 44 FR 30323, May 25, 1979), or other FERC rules and orders, may apply to the ERA for the requisite certification of fuel oil displacement.

This certification rule is issued as part of a DOE strategy to utilize the present short-term excess of deliverable natural gas to displace fuel oil in order to reduce the need for petroleum imports and to restrain consumption of middle distillates in order to rebuild adequate stocks of heating oil for next winter. The use of this excess natural gas to displace oil is one of the components of the President's natural gas strategy as presented in the National Energy Plan II issued on May 7, 1979. Various events, including a major drawdown of middle distillate stocks during last winter's heating season, a shortage of diesel fuel, the interruption of Iranian crude oil exports, and the dramatic increase in world crude oil prices, underscore the immediate need to reduce consumption of fuel oil.

Some use of natural gas for fuel oil displacement is already occurring under existing FERC rules and the Natural Gas Policy Act of 1978 (Pub. L. 95-621, 92 Stat. 3350 15 U.S.C. 3301 et. seq.) (NGPA) authorities. Interstate natural gas pipeline companies have been actively seeking additional gas for system supply in order to reduce their curtailment of low-priority consumers who generally use fuel oil as an alternate fuel.

Nevertheless, certain historic industrial and electric utility users of natural gas, who are among the largest consumers of fuel oil, have been unable to obtain sufficient natural gas supplies from their traditional suppliers. At the same time their low-priority status, due to their use of natural gas for boiler fuel, effectively prevented them from obtaining FERC authorizations needed to permit interstate pipeline companies to transport natural gas purchased directly from producers or other sellers of gas.

On March 18, 1979, the DOE proposed a rule to the FERC which would encourage and facilitate the filing of applications by interstate pipeline companies for certificates of public convenience and necessity to transport oil displacement gas under section 7(c)

of the Natural Gas Act. Among the provisions of the proposed rule was a requirement that the Administrator of ERA certify to the FERC that the natural gas involved in the transaction would be used to displace fuel oil, but not to displace coal.

On April 2, 1979 the ERA adopted an interim-final rule (44 FR 20398), which established the interim procedures and criteria under which the Administrator would make the requisite certifications. In adopting the interim-final rule, ERA requested public comment. Two speakers gave oral testimony at a public hearing held in Washington, D.C., on April 18, 1979. In addition, ERA received twenty-four written comments on the interim-final rule.

On May 17, 1979, the FERC adopted Order No. 30 (44 FR 30323, May 25, 1979) permitting transportation of oil displacement gas by an interstate pipeline company after certification by ERA.

As of August 1, 1979, ERA has received 72 applications for certification. Eleven certifications have been issued to date. Most of the applications filed to date were outside the purview of this ERA certification program because either the applicant had not located an eligible seller or the transaction did not involve transportation by an interstate pipeline company.

II. Discussion

Public comment on the interim-final rule consisted of oral testimony from a representative of fuel oil marketers and from a spokesman for an electric utility, as well as twenty-four written comments, seven of which were from industrial firms or their representatives, five from electric utilities, six from natural gas distribution companies or their representatives, two from fuel oil refiners and marketers, one from a process gas users association, one from an intrastate natural gas pipeline company, one from a hospital association, and one from a private citizen.

Two of the commenters asserted that ERA has no jurisdiction to issue a certification rule. They state that section 402(a)(1)(D) of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91, 91 Stat. 565, 42 U.S.C. 7101 et. seq.) establishes exclusive FERC jurisdiction over the issuance of certificates of public convenience and necessity under section 7 of the Natural Gas Act. They then conclude that the ERA certification rule will have a significant impact upon a function within the exclusive

jurisdiction of the FERC. Therefore, under sections 403(a) and 403(b) of the DOE Act, the entire rulemaking should be transferred to FERC.

These commenters misconstrue the effect of the ERA certification rule. Under the rule, ERA would not issue certificates of public convenience and necessity. That function remains exclusively with the FERC as provided by the DOE Act. Rather than attempting to grant ERA natural gas regulatory jurisdiction, the rule is based on ERA's expertise in determining whether fuel oil would be displaced by the use of an alternate fuel during this period of shortage. The FERC's consideration of ERA's fuel oil displacement certification is but one factor in the FERC's determination whether to issue a certificate authorizing interstate transportation of direct purchase natural gas.

A number of comments discussed the advisability of substituting natural gas for fuel oil. A majority of those commenting on the issue supported the program. Those opposed felt that the uncertainty about the impact of increased short-term gas use on long-term supplies was sufficient to warrant further review before implementation of any expanded natural gas use policy. One commenter suggested that all surplus gas be husbanded for future use.

We are aware of these concerns and have made every effort to ensure that use of present excess gas deliverability for fuel oil displacement will not adversely affect long-term supplies, particularly for high priority uses. Our first priority continues to be the support of expansion of pipeline system supplies, and we have not retreated from our long-term commitment to reduce industrial and utility use of natural gas in favor of coal or renewable resources. However, the urgency and importance of the current oil situation, including the fuel oil shortage, warrants the short-term policy of using surplus gas to displace fuel oil.

Two of the commenters urged that certain areas of the country (California and the Midwest) be excluded from the certification program. They believe that any displacement of fuel oil, particularly residual oil, in those areas will have a detrimental impact on the production capability of the independent refineries. Such blanket exclusions, however, would preclude the flexibility necessary to manage the oil problem. However, should the use of fuel oil displacement gas affect, for example, refinery production in a certain area, the Administrator under section 595.05 retains the authority to limit the

applicability of this rule. The Administrator, under § 595.08, may also terminate a certification if it is in the public interest to do so. We believe that a case-by-case approach is the correct one.

A number of comments from natural gas distribution companies requested that certifications be limited to end-users who demonstrate that they are unable to obtain additional gas from their local distribution company. We have not adopted this suggestion because it would require ERA to effectively establish a hierarchy of sources of oil displacement gas, which we feel is unneeded to achieve fuel oil displacement and constitutes an unnecessary intrusion into a basic market place decision.

Several industrial firms and electric utilities recommended that various procedures specified in the interim rule be amended. One suggested revision concerned the duration of a certification, which most thought should be extended to two years. We have not extended the one-year maximum term for initial certifications because we need to maintain sufficient flexibility to respond to changes in natural gas supply conditions in the future. The FERC has taken a similar position in Order No. 30 by establishing a termination date of June 1, 1980 for all covered transportation.

In light of the Order No. 30 termination date, the December 31, 1979 filing deadline contained in section 595.05 of ERA's interim final rule has been deleted. ERA will now accept applications as long as the FERC fuel oil displacement transportation rule (Order No. 30) is effective or ERA certifications are required by other FERC rules or orders.

The same commenters suggested that failure of the Administrator to act on an application within thirty days should be considered automatic approval of the certification. We do not believe an automatic approval procedure to be appropriate, because it would not permit adequate ERA oversight.

Also, in response to another comment section 595.06(e) has been included to require ERA to issue written decisions for all certification or recertification approvals and denials.

A number of commenters requested that the definition of end-user be expanded to include not only persons with signed supply and transportation contracts, but also persons who are still negotiating with a seller and pipeline company. We have adopted this suggestion to the extent that the applicant has located and is actively

negotiating with a potential eligible seller and has tentatively arranged for pipeline transportation. This approach is intended to facilitate the filing of applications for certification without burdening the administrative process with highly speculative transactions. Accordingly, § 595.06(a)(4) now requires the applicant to identify the prospective eligible seller and transporting pipeline. Firms which have not received tentative approval from the eligible seller and the pipeline companies prior to filing should not apply for certification.

One commenter suggested that the definition of end-user be expanded to include a subsidiary or affiliated entity which purchases or otherwise provides the natural gas to be used to displace oil. We have expanded the definition of end-user to the extent that it accommodates a subsidiary or affiliated entity of the end-user whose inclusion is essential for completion of a fuel oil displacement transaction. The definition of end-user is not intended to cover brokers, agents or other third parties dealing at arms length with an end-user.

Some commenters now using fuel oil requested that if they switch to natural gas, they be protected in any future allocation of fuel oil by DOE. Such protection already exists in section 6(c) of the Standby Product Allocation Regulations (10 CFR Part 211, Appendix B, Special Rule No. 1, 44 FR 3928). That section, if activated, provides for adjustment of fuel oil allocations due to use of natural gas for fuel oil displacement. Furthermore, DOE has requested that oil distributors voluntarily agree to give firms displacing fuel oil with natural gas the same priority if, in the future, they again request oil service.

Several commenters asked that § 595.06 of the interim rule be clarified to ensure appropriate notice prior to termination of a certification by the Administrator. We have always intended that notice and an opportunity to be heard will be provided before any certification or recertification will be terminated. Therefore, we have made some minor changes to what is now § 595.08 to remove any doubts about notice and comment requirements.

Two commenters asked that FERC Orders No. 533 and 2 allowing for the transportation of direct purchase gas to certain high priority industrial and commercial users be modified to permit the simultaneous use of process gas transported under those Orders and gas for boiler fuel purchased to displace oil. We have no authority to modify FERC Orders. We note, however, that the FERC in the preamble to its Order No.

30 indicated it would review the other direct purchase rule in light of the current situation. We have expanded the scope of our rule to allow issuance of an ERA certification whenever one would be required by rule or order of the FERC to authorize transportation of direct purchase gas to displace fuel oil.

III. Certification Rule Summary

The ERA rule establishes the procedures for the Administrator's certification to the FERC that the natural gas in question will be used to displace fuel oil. Under this rule, any end-user, including a subsidiary or affiliated entity, who purchases natural gas from an "eligible seller" to displace fuel oil, where the natural gas will be transported by an interstate pipeline company pursuant to FERC Order No. 30 or future FERC rules and orders requiring ERA certification, may apply to the Administrator for certification that the use is an "eligible use" (§ 595.03). An "end-user" is any person who purchases natural gas for his own consumption and not for resale (§ 595.02). An "eligible seller" is any willing seller of natural gas (§ 595.02). An "eligible use" is that use of natural gas certified by the Administrator to displace fuel oil that would otherwise be consumed in the end-user's facilities and where neither the gas nor the displaced fuel oil will be used by the end-user to displace coal in its facilities (§ 595.03 and § 595.04).

To clarify eligibility for certification we have added a new section 595.03 to the final rule. End-users who are receiving natural gas from their usual local suppliers need not apply for certification. It should also be understood that the fuel oil displacement program contemplates voluntary purchases. An ERA certification should not be looked upon as a "license" to purchase gas.

Under the provisions of § 595.05, the Administrator may determine that it is in the public interest to limit the applicability of this rule to certain specified end-users or certain specified geographic areas. An application for certification or recertification should contain certain basic information as specified in § 595.06(a). Among other things, an application must include an affidavit stating the natural gas and the displaced fuel oil will not be used by the applicant to displace coal.

Section 595.06(e) requires ERA to publish in the *Federal Register* a notice of receipt of appropriate applications and a request for public comments on them. The Administrator may, when it is in the public interest, grant certification

prior to completion of the comment period (§ 595.06(e)). This section also requires the Administrator to publish his decisions in the *Federal Register* with copies to FERC, the applicants, and other interested persons.

Initial certifications may be issued for up to one year (§ 595.04); applications for recertification may be filed within 60 days prior to expiration of the initial certification and may be issued for up to one year (§ 595.04). Section 595.08 authorizes the Administrator to terminate a certification or recertification whenever he determines the gas in question is no longer used for an "eligible use" or termination is in the public interest.

In order to monitor the progress and measure the effectiveness of the ERA certification program, we have added a reporting requirement in § 595.07 of the final rule. It requires an end-user who receives an ERA certification or recertification to submit a monthly statement of the volume of natural gas actually used to displace fuel oil and the volume and type of the fuel oil displaced. The reports must be filed with ERA within fifteen days after the end of the month for which the data is being reported.

Section 595.09 provides that an applicant whose application for certification or recertification has been denied or whose certification or recertification has been terminated may file a request for reconsideration within 30 days of denial or termination. Failure by the Administrator to take action on a request for reconsideration within 30 days of its filing shall be considered a denial of the request. This is the only administrative review procedure for this rule and is a prerequisite for judicial review of a decision. An applicant is deemed to have exhausted his administrative remedies when his request for reconsideration has been acted upon or deemed denied.

IV. Environmental Impact

After reviewing the final rule pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et. seq.), DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. ERA certification of natural gas to be used to displace fuel oil will not produce a measurable impact on the national environment, although we do expect that actual gas use may be beneficial on a local level to the extent that it replaces more polluting fuel oil.

V. Potential Program Impact

Due to the urgent need to begin the certification process, the requirements of DOE Order 2030.1 implementing Executive Order 12044, *Improving Government Regulations*, were waived by the Deputy Secretary of DOE, and the initial ERA certification rule was adopted on an interim-final basis with subsequent opportunity for public comments. As we indicated in promulgating the interim-final rule, the preparation of an analysis of the likely impact of the program is appropriate. Copies of this impact analysis may be obtained from the ERA, Office of Public Information, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, (202) 634-2170.

The analysis indicates that since promulgation of the interim-final rule, ERA has received 72 requests for certification, that 11 certifications have been issued which if fully utilized will displace up to 24 million barrels of fuel oil. The analysis concludes that the use of natural gas to displace fuel oil will reduce the need for oil imports, will assist in the effort to increase distillate fuel stocks, will lessen demand for low-sulfur residual fuel which is in tight supply, and produce some economic benefits because of lower energy costs.

In consideration of the foregoing, Subchapter G of Chapter II of Title 10, Code of Federal Regulations, is amended by adding a Part 595 as set forth below.

Issued In Washington, D.C. August 9, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

Subchapter G of Chapter II of Title 10, Code of Federal Regulations, is amended by adding a Part 595 to read as follows:

PART 595—CERTIFICATION OF USE OF NATURAL GAS TO DISPLACE FUEL OIL

Sec.	
595.01	Purpose and Scope
595.02	Definitions
595.03	Eligibility for Certification
595.04	Certification of Eligible Use
595.05	Limitations of Applicability
595.06	Application for Certification and Recertification
595.07	Reporting Requirements
595.08	Termination of Eligibility
595.09	Request for Reconsideration
(Sections 102 (3) and (8), 501(e), 644, Pub. L. No. 95-91, 91 Stat. 567, 568, 588, 599, 42 U.S.C. §§ 7112(3), (8), 7191(e), 7254; E.O. 12009, 42 FR 46267.)	

§ 595.01 Purpose and scope.

The extensive reliance of the United States on imported crude oil and petroleum products has severe detrimental effects on the security of our energy supplies, balance of payments, and economic well-being. The national interest requires that every practical step be taken to restrain imports quickly. In addition, because of the current shortage of middle distillates as a result of crude oil shortfalls, it is necessary to restrain consumption of that fuel oil in order to rebuild stocks for next winter's heating season.

The use of natural gas is one vehicle for displacing fuel oils. The regulations in this Part 595 will facilitate oil displacement by establishing a procedure whereby the Administrator may certify to the FERC that use of natural gas, purchased by an end-user for its own consumption, will displace fuel oil. ERA certification is a precondition to obtaining interstate transportation of fuel oil displacement gas in accordance with FERC authorizing procedures in 18 CFR Part 284, Subpart F, or any other FERC rules or orders requiring ERA certification pursuant to this Part 595.

§ 595.02 Definitions.

For the purpose of this Part 595:

"Administrator" means the Administrator of ERA or his or her delegate.

"End-user" means any person, including a subsidiary or affiliated entity of that person, who purchases natural gas for consumption in that person's facilities and not for resale.

"Eligible seller" means any willing seller of natural gas.

"Eligible use" means that use of natural gas certified by the Administrator pursuant to section 595.04.

"ERA" means the Economic Regulatory Administration of the Department of Energy.

"FERC" means the Federal Energy Regulatory Commission.

"Fuel oil" means middle distillates or residual fuel oils including #1 and #2 heating oils, kerosene-base jet fuel, #4, #5, and #6 fuel oils; crude oil burned directly as a fuel; and blends of any of the above.

§ 595.03 Eligibility for certification.

Any end-user who has purchased or is in the process of contracting to purchase natural gas directly from an eligible seller to displace fuel oil may apply for certification under this Part 595 if: (1) the natural gas will be used only to displace fuel oil which would otherwise be

consumed in the end-user's facilities and not coal; (2) the displaced fuel oil will not be used to displace coal in any of the end-user's facilities; (3) the natural gas to be certified will be transported by an interstate pipeline company; and (4) the authorization for the transportation of the natural gas to be certified derives from the procedures in 18 CFR Part 284, Subpart F or any other FERC rule or order requiring ERA certification pursuant to this Part 595.

§ 595.04 Certification of eligible use.

The Administrator may certify that a purchase or proposed purchase of natural gas is for an eligible use if the end-user demonstrates, upon proper application that: (1) the natural gas will be used to displace fuel oil which would otherwise be consumed in the end-user's facilities during the term of the certification, (2) the natural gas will not be used by the end-user to displace coal in its facilities, and (3) the fuel oil displaced will not be used by the end-user to displace coal in its facilities. The initial certification will be effective for up to one year, unless the FERC authorizing procedures for the transportation of the certified gas require a shorter period of time. The Administrator also may issue a recertification, upon proper application within 60 days prior to the expiration of the initial certification or a previous recertification, which will be effective for up to one year, unless the FERC authorizing procedures for the transportation of the certified gas require a shorter period of time.

§ 595.05 Limitations of applicability.

The Administrator may determine to limit applicability of the regulations of this part to certain end-users or specific geographic areas when such limitation is in the public interest. In making a determination whether to establish any limitations, the Administrator may consider, among other criteria, the impact of certification or recertification on air quality, on regional or local energy supply, on refinery output and regional availability of petroleum products in light of refinery capabilities, on facilitating and advancing coal conversion programs, and on system supplies of natural gas.

§ 595.06 Application for certification and recertification.

(a) An end-user may apply for certification or recertification of an eligible use by filing a written application which must contain the following information:

(1) the company name, mailing address, and telephone number of the end-user, and the name of a person to contact regarding the application;

(2) the name and location of each facility to which the natural gas will be delivered and the volumes of natural gas to be received by each;

(3) an affidavit, signed by a responsible official representing the end-user which states:

(i) an estimate of the volumes, type, and sulfur content of the fuel oil which will be displaced by the natural gas at each of the end-user's facilities;

(ii) that any natural gas certified by the Administrator will be used by the end-user only to displace fuel oil and not to displace coal; and

(iii) that the end-user will not use the displaced fuel oil to displace coal in any of its facilities;

(4) the names and addresses of the eligible sellers with whom the end-user has entered into gas purchase and the interstate pipeline and local distribution companies with which the end-user has entered into transportation contracts or with whom the end-user is negotiating those contracts;

(5) a statement as to whether the applicant expects any transportation of the natural gas pursuant to 18 CFR Part 284, Subpart F, to be either self-implementing or to require a FERC transportation certificate of public convenience and necessity or whether the transportation of the oil displacement gas is authorized by another FERC rule or order;

(6) the FERC docket number and the date of filing of any application for a transportation certificate which has been filed with the FERC regarding this oil displacement gas;

(b) The Administrator may request any additional information he deems necessary.

(c) The applicant must notify ERA in writing if any of the above information is later determined to be incorrect or changed.

(d) An original and fifteen copies of the application should be submitted to:

Office of Petroleum Operations, Economic Regulatory Administration, Room 4126, 2000 M Street, NW., Washington, D.C. 20461.

(e) Notice of receipt of valid applications for certification or recertification will be published in the *Federal Register* within a reasonable time. An opportunity for public comment will be permitted for ten (10) calendar days from the date of publication, including an opportunity to request an oral presentation. After close of the

comment period, the Administrator will review the application and any comments and make a decision whether or not to issue a certification or recertification. Such decision will be published in the **Federal Register**, and sent to the FERC, the applicant, and any person filing comments. The Administrator may certify an eligible use prior to the close of the comment period, if the need for certification is demonstrated to be of sufficient public interest to warrant expedited treatment.

§ 595.07 Reporting requirements.

Each end-user receiving an ERA certification or recertification shall submit a statement to ERA by the fifteenth day of each month after the first month during the term of the certification or recertification, which provides the following information for the preceding month:

(1) The total volume of natural gas obtained and used at each facility pursuant to the ERA certification to displace fuel oil;

(2) The total volume(s) and type(s) (including sulfur content) of fuel oil displaced at each facility by natural gas obtained pursuant to the ERA certification.

Monthly statements should contain the ERA certification docket number. Statements should be mailed to: Office of Petroleum Operations, Economic Regulatory Administration, Room 4126, 2000 M Street, NW., Washington, D.C. 20461.

§ 595.08 Termination of eligibility.

The Administrator may terminate a certification or recertification of an eligible use whenever the Administrator determines, after notice and opportunity to be heard, that: (1) the natural gas is no longer being used for an eligible use as defined in section 595.02, or (2) termination is in the public interest. Upon making the determination to terminate a certification or recertification, the Administrator will notify FERC immediately and request that FERC take appropriate action to terminate any related transportation authorization.

§ 595.09 Request for reconsideration.

(a) Any applicant whose application for certification or recertification has been denied, or whose certification or recertification has been terminated, may request reconsideration within 30 days of the date of the denial or termination. The request should contain a statement of facts and reasons supporting reconsideration and should be submitted in writing to: Office of

Petroleum Operations, Economic Regulatory Administration, Room 4126, 2000 M Street, NW., Washington, D.C. 20461.

(b) If the Administrator fails to take action on the request for reconsideration within 30 days, the request is deemed denied.

(c) An applicant has not exhausted his administrative remedies until a request for reconsideration has been filed and acted upon or deemed denied.

[FR Doc. 79-25253 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-NW-25-AD: Amdt. 39-3529]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) to require inspection and replacement as required of the engine pylon and spar attach bolts (fuse pins). A bolt failure would reduce the structural strength of the pylon to the extent engine separation could occur.

DATE: Effective date August 27, 1979.

Compliance required within 300 hours time-in-service after the effective date of this AD unless already accomplished.

ADDRESS: The Boeing service bulletin specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Iven Connally, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: One instance of a fractured pylon midspar attach fuse bolt has been reported. The fracture was due to fatigue originating from a machine mark in the bore of the pin. Loss of support at these fittings could allow the engine to roll or yaw sufficiently to fail the opposite fitting

which could, in turn, result in engine separation.

Since this condition is likely to exist or develop in other Boeing 747 airplanes, action is taken herein to require inspection and replacement, if required, of the pylon attach fuse bolts.

Since a situation exists that requires immediate adoption of this regulation it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

§ 39.13 [Amended]

Boeing: Applies to all Model 747 series airplanes certificated in all categories listed in Boeing Service Bulletin 747-53-2063 with more than 12,000 flight hours. Compliance required within 300 hours time-in-service after the effective date of this AD unless already accomplished. To prevent failure of the pylon midspar attach bolts accomplish the following:

A. Within 300 hours time-in-service after the effective date of this AD unless already accomplished, ultrasonic inspect the pylon attach bolts for cracks in accordance with Boeing Service Bulletin 747-54-2063 or a method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. Replace cracked bolts in accordance with Boeing Service Bulletin 747-54-2063 before further flight.

C. Coat inside surface of the bolts with corrosion preventive compound MIL-C-11796, Class I or MIL-C-16173 Grade I within 300 hours time-in-service after effective date of this AD, unless already accomplished. If corrosion exists remove corrosion and reapply compound.

D. Repeat the inspection in accordance with paragraph A above at intervals not to exceed 2500 hours time-in-service.

E. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region may adjust the compliance times if the request contains substantiating data to justify the increase for that operator.

F. Report results of the ultrasonic inspections of the pylon attach bolts, both positive and negative, to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. (Reporting approved by the Bureau of Budget under BOB No. 04-R0174).

The manufacturer's specifications and procedures identified and described in this

directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective August 27, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89).

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provision of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Seattle, Washington, on August 7, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 79-25299 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-21]

Alteration of Transition Area: Port Isabel, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Port Isabel, Tex. The intended effect of the action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Port Isabel Cameron County Airport. The circumstance which created the need for the action is the establishment of a new instrument approach procedure to Runway 17 at Port Isabel Cameron County Airport using the Brownsville VORTAC.

EFFECTIVE DATE: October 4, 1979.

FOR FURTHER INFORMATION CONTACT: Manuel R. Hugonnet, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On July 2, 1979, a notice of proposed rule making was published in the **Federal Register** (44 FR 38568) stating that the Federal Aviation Administration proposed to alter the Port Isabel, Tex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received to the proposal. Except for editorial changes, this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Port Isabel, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Port Isabel Cameron County Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) is amended, effective 0901 GMT, October 4, 1979, as follows:

In Subpart G § 71.181 (44 FR 442) the Port Isabel, Tex., transition area is amended by adding the following:

Port Isabel, Tex.

* * * and within 2 miles each side of the Brownsville, Tex., VORTAC 005° radial extending 1 mile north of the 5-mile radius area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on August 6, 1979.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 79-25127 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-WE-12]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone; Santa Maria, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the effective hours of the control zone so as to coincide with the hours of operation with the Airport Traffic Control Tower at Santa Maria, California.

EFFECTIVE DATE: August 16, 1979.

ADDRESSES: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION: In Subpart F, 71.171 (44 FR 353) of FAR Part 71, the Santa Maria California Control Zone is effective from 0700 to 2200 hours local time daily. The agency proposes to increase the hours of tower operation from 0700 to 2200 local time daily to 0630 to 2200 local time daily to accommodate scheduled air taxi operations. Since the effective hours of the control zone are dependent upon weather observations and air traffic communications within the control zone, it is necessary to increase the time of designation of the control zone to coincide with these capabilities.

This alteration will allow for control zone designation to exist when weather and communications requirements are in effect. To make this possible, a change is required in the designation of the control zone to allow for part-time operation.

Since this alteration is mandated by regulation, we have determined that notice and public procedures provisions of the Administrative Procedures Act is unnecessary.

Drafting Information

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 353) is amended, effective upon publication of this amendment in the *Federal Register* as follows:

§ 71.171 [Amended]

In § 71.171 under Santa Maria, California, following . . . "southeast of the VOR". Add: This control zone is effective from 0630 to 2200 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airport/Facility Directory.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, California on August 3, 1979.

James V. Nielsen,
Acting Director.

[FR Doc. 79-25020 Filed 8-15-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-WE-10]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone; Victorville, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns the control zone extension so as to provide

controlled airspace for the revised George Air Force Base instrument approach procedures. The control zone extension will be altered 4° counterclockwise.

EFFECTIVE DATE: August 16, 1979.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION: George Air Force Base (AFB) instrument approach procedures are in the process of modification to change the final approach radial of the George AFB TACAN. The TACAN procedure will be altered 4° counterclockwise to the 346° magnetic radial. In order to provide sufficient controlled airspace for this procedure the control zone extension will be altered accordingly.

Since this amendment is a minor matter in which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

Drafting Information

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished in the *Federal Register* on January 2, 1979 (44 FR 353) is amended, effective upon publication of this amendment in the *Federal Register* as follows:

§ 71.171 [Amended]

In § 71.171 under Victorville, California, in the text where the 005° radial appears, the radial reference should be changed to read "001°."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and

promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, California on August 3, 1979.

James V. Nielsen,
Acting Director.

[FR Doc. 79-25019 Filed 8-15-79; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION**16 CFR Part 13**

(Docket 9046)

Prohibited Trade Practices, and Affirmative Corrective Actions; SKF Industries, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order, among other things, requires SKF Industries, Inc. ("SKF") and Federal-Mogul Corporation ("FM"), two bearings manufacturers, to cancel their December 17, 1974 by-sell agreement whereby SKF agrees to cease distribution of certain bearings to the automotive aftermarket in exchange for FM's agreement to purchase its tapered roller bearings requirements from SKF, and other similar arrangements between them. The order prescribes specific limitations on FM's purchases of tapered roller bearings from SKF for 12 years following the effective date of the order, and requires the companies to notify their sales and policy-making staff of the terms of the order. Additionally, twice annually for each of two years, the firms are required to publish those terms in two major trade journals.

DATES: Complaint issued July 22, 1975. Final Order issued July 5, 1979.¹

FOR FURTHER INFORMATION CONTACT: FTC/CS-2, K. Keith Thurman, Washington, D.C. 20580. (202) 376-2894.

SUPPLEMENTARY INFORMATION: In the Matter of SKF Industries, a corporation; Aktiebolaget SKF, a corporation; and Federal-Mogul Corporation, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart-Combining or Conspiring: § 13.395 To control marketing practices and conditions; § 13.410 To eliminate competition in conspirators' goods; § 13.470 To restrain or monopolize trade. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective

¹ Copies of the Complaint, Initial Decision, Opinion of the Commission, and Final Order filed with the original document.

actions and/or requirements; 13.533-40
Furnishing information to media.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Final Order, including further order requiring report of compliance therewith, is as follows:

Final Order

This matter having been heard by the Commission upon the appeals of complaint counsel and respondents from the initial decision, and upon briefs and oral argument in support thereof and in opposition thereto, and the Commission for the reasons stated in the accompanying Opinion having determined to sustain the initial decision with certain modifications:

It is ordered that the initial decision of the administrative law judge, pages 1-151, as amended, be adopted as the Findings of Fact and Conclusions of Law of the Commission, except to the extent indicated in the accompanying Opinion. Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered that the following Order to Cease and Desist be, and it hereby is, entered:

I

This order shall be binding on Federal-Mogul Corporation ("FM"), SKF Industries, Inc. ("SKF"), their subsidiaries or any person under the control of FM or SKF, their successors and assigns, and their officers, agents, representatives, and employees.

II

It is ordered that the agreement signed by SKF and FM on December 17, 1974, any any similar arrangements between or among respondents, including the understandings reflected in the exchange of documents on January 27, 1972, shall be cancelled upon the date this Order becomes final

III

With respect to tapered roller bearings ("TRB") having an outside diameter of zero to four inches, which are purchased, directly or indirectly, by FM or SKF, Aktiebolaget SKF ("AB SKF"), or any person under the control of SKF or AB SKF for distribution in the United States, it is ordered that the following limitations shall apply during the 12-year period next following the date this Order becomes final:

(i) The time period covered by any given purchase order or related agreement shall not exceed 12 months.

(ii) The aggregate dollar value of such purchases by FM during the first twelve months following the date this Order becomes final shall not exceed 75% of the total dollar value of purchases of 0"-4" TRB by FM from all sources (including sources owned or controlled by FM). The allowable percentage under this subparagraph shall include any 0"-4" TRB purchased, but not sold, by FM from SKF, AB SKF, or any person under the control of SKF or AB SKF prior to the date this Order becomes final.

(iii) The aggregate dollar value of such purchases by FM during the succeeding twelve months shall not exceed 50% of the total dollar value of purchases of 0"-4" TRB by FM from all sources (including sources owned or controlled by FM).

(iv) The aggregate dollar value of such purchases by FM during each of the ten succeeding twelve month periods shall not exceed 25% of the total dollar value of purchases of 0"-4" TRB by FM from all sources (including sources owned or controlled by FM).

(v) For purposes of subparagraphs (ii)-(iv), the value of purchases of 0"-4" TRB by FM from sources which it owns or controls shall be either the cost to FM or the fair market value, whichever is less.

For purposes of this paragraph, direct or indirect purchases by FM shall include (A) purchases of 0"-4" TRB manufactured by SKF, AB SKF, or any person under the control of SKF or AB SKF, and (B) purchases under an arrangement to which SKF, AB SKF, or any person under the control of SKF or AB SKF is a party or from a supplier in which SKF, AB SKF, or any person under the control of SKF or AB SKF has an interest.

IV

It is further ordered that each respondent shall notify all persons having sales and policy responsibilities in its organization of the terms of the Order and publish same in at least two major trade journals or periodicals twice annually for each of two years from the effective date of this Order.

V

It is further ordered that each respondent notify the Commission at least thirty (30) days prior to any proposed change in said respondent which may affect compliance obligations arising out of the Order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries or joint ventures.

VI

It is further ordered that within sixty (60) days after the effective date of this Order, and within sixty (60) days after the end of each calendar year through and including 1992, each respondent shall file with the Federal Trade Commission a written report setting forth in detail the manner and form of its compliance with this Order.

By the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 79-25280 Filed 8-15-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF STATE

22 CFR Part 17

[Departmental Regulation 108.780]

Overpayment to Annuitants Under the Foreign Service Retirement and Disability System

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: Section 822(d) of the Foreign Service Act (22 U.S.C. 1076a(d)) provides that recovery of overpayments to annuitants under the Foreign Service Retirement and Disability System may not be made from an individual when, in the judgment of the Secretary of State, the individual is without fault and recovery would be against equity and good conscience or administratively infeasible. These regulations establish procedures to notify annuitants who have been overpaid that the State Department has a right of recovery of overpayments but that they are entitled to request that the Secretary of State not exercise that right or that they may contest the determination of overpayment. The regulations further establish means for filing and processing any such request or contest and for appeal from an unfavorable administrative determination. A notice of proposed rulemaking was published in the *Federal Register* March 7, 1979.

EFFECTIVE DATE: July 20, 1979.

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, Washington, D.C. 20520.

SUPPLEMENTARY INFORMATION: The regulations are issued under 22 U.S.C. 2658, 1061, and 842. Under them, the first procedural step is to notify annuitants under the Foreign Service Retirement and Disability System that they have been overpaid, the amount, the cause,

the intention of the Department to seek repayment, and the right of the annuitant to contest overpayment or to request a waiver of repayment.

In the event of contest or request for waiver, the regulations call for a determination by the Director of the Office of Finance. The final decision is to be written and sent to the annuitant who is also to be advised of the right to appeal to the Foreign Service Grievance Board.

In both the initial determination stage and the appeal stage, the Department will apply standards analogous to those developed by the former Civil Service Commission. These standards (5 CFR 831.1402-1404) include capacity to repay, fault, equity and good conscience. The standards and procedures were adopted by the Civil Service Commission in light of the decision in *Shannon v. United States Civil Service Commission*, 444 F. Supp. 354 (N.D. Cal. 1977). Based upon a comment from the Office of Personnel Management, those standards are not incorporated by reference as first proposed. No other comments were received, but some words have been changed to make clear contests are also covered. The presently proposed regulations reflect the decision of the Comptroller General (No. B-191785) of August 14, 1978. In accordance with the decision of the Comptroller General, these regulations shall apply only to overpayments of annuities which existed on and after October 1, 1976. Overpayments already repaid may not be refunded.

22 CFR Chapter I, is amended by adding a new Part 17 to read as follows:

PART 17—OVERPAYMENTS TO ANNUITANTS UNDER THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

Sec.

- 17.1 Definitions.
- 17.2 General provisions.
- 17.3 Notice to annuitants.
- 17.4 Initial determination.
- 17.5 Standards
- 17.6 Notice of decision and right of appeal.
- 17.7 Appeal.

Authority: 22 U.S.C. 842; 22 U.S.C. 1061; 22 U.S.C. 2658; and Executive Order 10897 (25 FR 12439).

§ 17.1 Definitions.

- (a) "Act" means the Foreign Service Act of 1946, as amended.
- (b) "Annuitant" has the meaning set forth in section 804(1) of the Act (22 U.S.C. 1064(1)).
- (c) "Foreign Service Grievance Board" means the Board established by 22 CFR

16.10 under sections 691 and 692 of the Act (22 U.S.C. 1037-1037c).

(d) "Overpayments" has the same meaning as in § 822(d) of the Act (22 U.S.C. 1076a(d)).

(e) "Secretary" means the Secretary of State.

§ 17.2 General provisions.

Section 822(d) of the Act (22 U.S.C. 1076(d)) provides recovery of overpayments by the Department of State of benefits to annuitants may not be made when, in the judgment of the Secretary, the individual recipient is without fault and recovery would be against equity and good conscience or administratively infeasible. This part establishes procedures for notification to annuitants of their rights, for administrative determination of those rights and for appeals of negative determinations. This part also establishes procedures by which an annuitant can contest a determination that the annuitant has been overpaid.

§ 17.3 Notice to annuitants.

The Office of Finance, Department of State, shall give written notification to any person who has received an overpayment, the cause of the overpayment, the intention of the Department to seek repayment of the overpayment, and the basis for that action, the right of the annuitant to contest the alleged overpayment or to request a waiver of recovery, and the procedure to follow in case of such contest or appeal. The notification shall allow at least 30 days from its date within which the annuitant may file a written response, which may include evidence, argument, or both.

§ 17.4 Initial determination.

(a) The Director of the Office of Finance will be responsible for preparing an administrative file as a basis for determination in each case where an annuitant contests a claim to recover overpayment or requests waiver of recovery. This file shall include: all correspondence with the annuitant; documentation on the computation of the annuity or annuities in question; and any information available to the Department which bears on the application of the standards of waiver of recovery to the particular case.

(b) On the basis of the administrative file, the Director, after consultation with and review of the preliminary findings by the Office of the Legal Adviser and Office of Employee Relations, Bureau of Personnel, shall prepare a preliminary finding. This preliminary finding shall contain a positive or negative

determination on all material issues raised by the contest or request for waiver. In the latter case, there shall be a determination of the applicability or non-applicability of each of the standards set forth in § 17.5.

(c) The Director shall make the final administrative determination.

(d) At any time before the final administrative decision, the Director may request the annuitant to supplement his or her submission with additional factual information and may request that the annuitant authorize the Department of State to have access to bank and other financial records bearing on the application of these regulations.

§ 17.5 Standards.

(a) *General.* (1) Waiver of overpayment will not be allowed in any case prior to receipt and evaluation of a statement of financial responsibility, duly sworn by the recipient of the overpayment, except in those cases where the facts make it obvious that the individual has no capacity to repay. Such statement will be waived in the latter case.

(2) Waiver of overpayment will not be allowed when overpayment has been made to an estate.

(b) *Fault.* (1) Determinations of "fault" or the absence thereof, will be made according to the commonly understood and standard concepts of equity applicable thereto.

(2) A prerequisite to waiver of overpayment shall be clear and convincing showing that the person from whom recovery would otherwise be made did not cause, or was not otherwise responsible for the overpayment, i.e., he or she performed no act of commission or omission that resulted in the overpayment. Pertinent consideration to be made in this area are:

- (i) Whether payment resulted from the individual's incorrect (not necessarily fraudulent) statement.
- (ii) Whether he or she knew the payment was erroneous and, if so, whether his or her subsequent failure to act resulted from desire or ignorance.
- (iii) Whether he or she failed to disclose material facts in his or her possession.
- (iv) Whether he or she could have determined that the payment was erroneous.

(c) *Equity and good conscience.* (1) "Equity and good conscience" as defined in equity and the commonly understood meaning thereof shall be attached to waiver determinations. In addition, the decision must be made whether the exercise of waiver of

overpayment would be in opposition to the basic purpose of Title VII of the Foreign Service Act (22 U.S.C. 1061, et seq.) and would injure the administration of such title.

(2) The following guides will also be applied, as appropriate.

(i) Waiver of overpayment may be granted when an individual by reason of receipt of the overpayment has: (i) relinquished a valuable right; or (ii) changed his or her position for the worse.

(ii) Waiver of overpayment may be granted when the individual has consistently acted in good faith regarding the overpayment.

(iii) Waiver of overpayment cannot be granted when the individual has been found to be at fault or if the overpayment has been obtained by fraud.

§ 17.6 Notice of decision and right of appeal.

If the annuitant, without good cause shown, fails or refuses to produce the requested additional information or authorization, the Department of State is entitled to make adverse inferences with respect to the matters sought to be amplified, clarified, or verified.

(a) The final administrative decision shall be reduced to writing and the Director shall send it expeditiously to the annuitant.

(b) If the decision is adverse to the annuitant, the notification of the decision shall include a written description of the annuitant's rights of appeal to the Foreign Service Grievance Board, including time to file, where to file, and applicable procedure.

§ 17.7 Appeal.

The Foreign Service Grievance Board shall entertain any appeal under this part in accordance with the regulations of the Board set forth in 22 CFR Part 16. The Director of the Office of Finance, with such assistance as may be necessary, shall represent the Department in proceedings before the Board. The decision of the Board is final.

Dated: July 20, 1979.

Ben H. Read,

Deputy Under Secretary for Management.

[FR DOC. 79-25293 Filed 8-15-79; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 903

Air Force Academy Preparatory School

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising Part 903 of Chapter VII, Title 32, of the Code of Federal Regulations. This revision tells how young men and women may apply for the Air Force Academy Preparatory School, the procedures for selection, disenrollment, and assignment. It deletes the use of DD Form 1852; the use of the Airman Classification Test (ACT) and the Airman Qualifying Examination (AQE); the use of the Air Force Officer Qualification Test (AFOQT); and the requirement to wait one year for reapplying for the USAF Academy Preparatory School program. The revision adds a service commitment statement; changes late entry date after normal July entry date; allows SAT or ACT scores to substitute for Air Force Academy Selection Test; and provides for discharge from the US Air Force of nonprior service Reserve Airmen who are disenrolled from the USAF Academy Prep School or who do not enter a Service Academy upon graduation from the USAF Academy Prep School.

EFFECTIVE DATE: May 22, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Sara Tolan, phone (202) 697-7116.

The revised part will read as follows:

PART 903—AIR FORCE ACADEMY PREPARATORY SCHOOL

Sec.

- 903.1 Purpose.
- 903.2 Preparatory school.
- 903.3 Yearly schedule.
- 903.4 School location.
- 903.5 Who is eligible.
- 903.6 When to apply.
- 903.7 Application procedures.
- 903.8 Selection procedures.
- 903.9 Notification of selection or nonselection.
- 903.10 Disenrollment.
- 903.11 Reassignment of students who are disenrolled or not offered an appointment to a service academy.
- 903.12 Reassignment of regular and reserve members of the Air Force and regular members of the Army, Navy, and Marine Corps who accept an appointment to a service academy.
- 903.13 Reserve enlistment procedures.
- 903.14 Sample letter.
- 903.15 Statement.

(10 U.S.C. 8012, except as otherwise noted.)

Note.—This part is derived from Air Force Regulation 53-14, May 22, 1979. Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 903.1 Purpose.

This part tells how to apply for the Air Force Academy Preparatory School Program. It also explains the procedures for selection, disenrollment, and assignment. **NOTE:** This part is affected by the Privacy Act of 1974. The systems of records prescribed here are authorized by Headquarters USAF (AFOMO 126) letter, April 11, 1969; and 10 U.S.C. 8012. Each form that is subject to AFR 12-35, paragraph 30, and is required by this part has a Privacy Act Statement, either incorporated in the body of the document or in a separate statement accompanying the document.

§ 903.2 Preparatory school.

The mission of the United States Air Force Academy Preparatory School (USAFAPS) is to prepare and evaluate selected personnel for entrance into the Cadet Wing of the United States Air Force Academy. It provides in-depth instruction in mathematics, English, and the basic sciences, to enable students to qualify for entering into the Cadet Wing.

§ 903.3 Yearly schedule.

Classes are conducted each year from July to early May. A limited number of Regular and Reserve airmen may be enrolled at appropriate times after the July starting date.

§ 903.4 School location.

The USAFAPS is located at the United States Air Force Academy near Colorado Springs, Colorado.

§ 903.5 Who is eligible.

To be eligible, USAFAPS candidates must:

(a) Be at least 17 years old and not have passed their 21st birthday by July 1 of the year to be admitted.

(b) Be a citizen of the United States.

(c) Be unmarried and have no dependent children.

(d) Be on extended active duty. Air Force Reserve or Air National Guard members may apply while not on extended active duty but must agree to a call to active duty if selected to attend. Air National Guard members selected to attend will be transferred to the Air Force Reserve prior to being called to active duty.

(e) Agree, if a Regular member of the Armed Forces, to extend his or her

current enlistment, if the obligated tour of duty or enlistment contract expires prior to the date of preparatory school graduation.

(f) Be medically qualified for an appointment to the Air Force Academy.

(g) Achieve a satisfactory score on the Scholastic Aptitude Test (SAT) offered by the Educational Testing Service, or on the American College Testing (ACT) program tests, or on the Air Force Academy Selection Test.

(h) Have an acceptable academic record as determined by the Air Force Academy Director of Cadet Admissions.

(i) Not have previously attended a service academy preparatory school.

(j) Have received a nomination to the Air Force Academy, if a Regular member of the Army, Navy, or Marine Corps.

(k) Have completed Basic Training, if a Reserve airman entering after normal July entry date.

§ 903.6 When to apply.

(a) Regular and Reserve members of the Air Force must send a complete application to the Air Force Academy Director of Cadet Admissions not later than May 1.

(b) Regular members of the Army, Navy, or Marine Corps who are nominated for an appointment to the Air Force Academy must establish their eligibility for nomination by May 1.

§ 903.7 Application procedures.

(a) Regular and Reserve members of the Air Force must send the following through their organization commander and servicing CBPO (active duty only) to the Air Force Academy Director of Cadet Admissions.

(1) AF Form 1786, Application for Appointment to the United States Air Force Academy Under Quota Allotted to Enlisted Members of the Regular and Reserve Components of the Air Force.

(2) A certified transcript from each high school, civilian preparatory school, or college that the applicant attended.

(b) Regular members of the Army, Navy or Marine Corps must request enrollment by sending a letter as shown in § 903.14 to the Air Force Academy Director of Cadet Admissions through their organization commander.

(c) The organization commander is responsible for:

(1) Sending the following to the Air Force Academy Director of Cadet Admissions (for active duty Air Force personnel, the commander will send the completed application to the servicing CBPO):

(i) An AF Form 1786 for a Regular or Reserve member of the Air Force, or a

letter requesting enrollment by a Regular member of the Army, Navy, or Marine Corps.

(ii) Certified transcripts from each high school, civilian preparatory school, or college attended by the applicant.

(iii) One copy of the applicant's most recent Airman Performance Report (AF Form 909 or 910, as applicable).

(iv) One copy of the applicant's Report of Individual Report (RIP).

(v) A recommendation for selection or nonselection which gives a full description of the applicant's character and suitability for the Preparatory School program and includes the following statement: "Information regarding component, length of service, and date of birth have been verified from official records."

(d) The servicing CBPO (for active duty personnel) is responsible for:

(1) Making sure that the applicant is assigned an Assignment Availability Code "05" IAW table 3-3, AFR 39-11.

(2) Sending the application to the Air Force Academy Director of Cadet Admissions.

§ 903.8 Selection procedures.

Applicants are selected for enrollment by the Air Force Academy on the basis of test scores, medical examination, prior academic record, recommendation of the organization commander, and other reports and records which indicate the applicant's aptitude, achievement, or ability to complete the program successfully.

§ 903.9 Notification of selection or nonselection.

(a) When applicable, the Air Force Academy Director of Cadet Admissions will send a notice of nonselection for Air Force personnel, to the applicant and the servicing CBPO.

(b) Upon receipt of a notice of nonselection, the servicing CBPO for Regular members of the Air Force will cancel the applicant's Assignment Availability Code 05.

(c) Upon selection of Air Force personnel to attend the USAFAPS, the Air Force Academy Director of Cadet Admissions will notify the Air Force Academy CBPO/DPMUM of the selectee's name, grade, SSAN, AFSC, and unit of assignment. The Air Force Academy CBPO will insure that the selectee is assigned to the USAFAPS, USAF Academy CO 80840.

(d) The Department of Defense Medical Examination Review Board (DODMERB) will notify applicants of their medical status.

(e) Air Force personnel entering the USAF Academy Preparatory School will

enter in the highest active duty grade they held as of the date of entrance without change to DOR or effective date. Future promotions will be in accordance with AFR 39-29.

§ 903.10 Disenrollment.

Students may be disenrolled when the Commander of the Prep School determines that one or more of the following conditions exist:

(a) The student has failed to meet and maintain academic standards.

(b) The student has failed to demonstrate adaptability and suitability for the Air Force Academy academic, military, or physical training programs.

(c) The student's conduct is unsatisfactory.

(d) The student's retention in the program is not in the best interests of the government.

(e) The student marries.

(f) The student becomes medically disqualified for an appointment to the Air Force Academy.

(g) The student request disenrollment.

§ 903.11 Reassignment of students who are disenrolled or not offered an appointment to a service academy.

These students will be reported by USAFA/PL to USAFA/DPMU.

(a) Regular Air Force members will be reported by USAFA/DPMU to AFMPC/MPCRAC 3 for reassignment as follows:

(1) Name, grade, and SSAN.

(2) CAFSC, PAFSC, and any additional AFSCs.

(3) Former unit, base, and command of assignment.

(4) DOS.

(5) ODS/STRD and last area of overseas assignment.

(6) Overseas volunteer status.

(7) Assignment preferences.

(8) Assignment deferment status.

(9) Reason for reassignment action.

(10) Statement as to the airman's possible appointment to another service academy.

(b) Air Force reservists are reassigned as follows:

(1) Reserve Air Force members called to active duty solely to attend the school will be discharged from the United States Air Force under the authority of this part and AFR 39-10.

(2) Reserve Air Force members previously assigned to a Reserve Unit will be released from active duty and reassigned to the Air Reserve Personnel Center under the authority of this part and AFR 39-10.

(3) Air National Guard members previously assigned to an ANG unit will be released from active duty and reassigned to the appropriate State

Adjutant General under the authority of this part and AFR 39-10.

(c) Regular members of the other services will be reported as follows:

(1) Members of the Navy will be reported to the Officer-in-Charge, NAVUN Lowry, Colorado Springs Detachment, 801 Prospect Lake Drive, Colorado Springs CO 80901.

(2) Members of the Army will be reported as currently specified in AR 600-635.

(3) Members of the Marine Corps will be reported to MARTU, MARTC, Denver CO 80240.

§ 903.12 Reassignment of regular and reserve members of the Air Force and regular members of the Army, Navy, and Marine Corps who accept an appointment to a service academy.

(a) Regular and Reserve Airmen will be released from enlisted active duty and will be reassigned as active duty Air Force Academy cadets, to be effective on the date of entry into the Academy in accordance with:

(1) DAF Letter, "Members of the Armed Forces Appointed to a Service Academy," July 8, 1957.

(2) 10 U.S.C. 516, 8201, 8203, 8205, and 8214.

(3) AFR 39-10.

(b) Records for Regular and Reserve members of the Air Force who enter the Air Force Academy will be retained by the Academy until the airman is commissioned or disenrolled. These members will not be issued DD Form 214, Report of Separation from Active Duty.

(c) Records for Regular Airmen who enter one of the other academies will be forwarded to AFMPC/MPCDOB for processing.

(d) Regular airmen who enter any of the three service academies will be required to sign the statement shown at § 903.15.

(e) Regular members of the Army, Navy, or Marine Corps who enter the Air Force Academy will be reported to the appropriate service as shown in § 903.11(c).

(f) HQ USAFA/DPMQS will publish relieved from active duty orders for USAF Academy Preparatory School students who are regular and reserve airmen and who, upon completion of the USAF Academy Preparatory School, accept appointments to a service academy.

§ 903.13 Reserve enlistment procedures.

The enlistment into the Air Force Reserve of civilian selectees for the USAF Academy Preparatory School will be accomplished as follows:

(a) The Office of Cadet Admissions and Registrar (RRS), USAF Academy, CO, will send to each selectee a DD Form 1966, Application for Enlistment-Armed Forces of the United States, with instructions for its completion. The selectee will be instructed to send the completed DD form 1966 to HQ ARPC/DPRPP, Denver CO 80280. A preaddressed envelope will be provided for this purpose.

(b) Upon receipt of the completed DD Form 1966, HQ ARPC/DPRPP will review the form for completion and acceptance of the applicant for enlistment.

(c) If the applicant is acceptable for enlistment, HQ ARPC/DPRPP will complete a DD Form 4, Enlistment or Reenlistment Agreement—Armed Forces of the United States, for each applicant.

(d) HQ ARPC/DPRPP and the USAF Academy Preparatory School will be responsible for administering the oath of enlistment for each applicant. This oath is administered on the date of inprocessing at the USAF Academy Preparatory School, and the effective date of enlistment is the date the applicant took the oath.

(e) HQ ARPC/DPRPP will publish Reserve Orders placing the applicant on active duty for the purpose of attending the USAF Academy Preparatory School. The school will determine the date of call to active duty (usually, this is the date the applicant was administered the oath of enlistment). HQ ARPC/DPRPP will give copies of the orders to the CBPO/DPMA, USAF Academy CO 80840 on the date of inprocessing.

§ 903.14 Sample letter.

Subject: Application To Attend Air Force Academy Preparatory School.
Thru: Organization Commander.
To: USAFA/RRS USAF Academy CO 80840.

1. I hereby apply under the provision of AFR 53-14 to attend the Air Force Academy Preparatory School for Air Force Academy candidates.

2. (Use appropriate sentence(s) listed below):

a. I have been nominated by (indicate name of Senator/Representative) for appointment to the Air Force Academy.

b. I have applied for candidacy to the Air Force Academy under the following competition(s) (list those that apply) Presidential.

Sons or Daughters of Deceased or Disabled Veterans.

Sons or Daughters of Medal of Honor Recipients.

3. (Use appropriate sentence(s) listed below):

a. My academic transcripts are attached.

b. My academic transcripts are being requested from the appropriate school officials. They will mail them to the Director of Cadet Admissions, USAFA/RRS. I last attended (name of high school, college, or preparatory school), (address of school).

4. I was born on (day) (month) (year). My present enlistment expires (day) (month) (year).

NAME, Grade, Branch of Service.
SSAN.

Organization.

Location.

Telephone No.

Note.—To be used only by military nominee—see § 903.7(b) (Army, Navy, and Marine Corps only) (Regular and Reserve Air Force applicants must use AF Form 1786).

§ 903.15 Statement.

Upon acceptance as a Cadet in the _____ Academy, effective _____ I understand that in accordance with the provisions of Public Law No. 614, 84th Congress, should my appointment be terminated for reasons other than acceptance of a commission in a Regular or Reserve component of the Armed Forces, or for physical Disability, I will revert to my former enlisted or inducted status in effect immediately prior to acceptance of appointment as a cadet in the _____ for the purpose of completing any remaining active and inactive service required under my enlistment contract or my service obligation under the Universal Military Training and Service Act, or both, as appropriate. I further understand that any time served as a Cadet shall be counted as time served under my enlistment contract or period of obligated service, or both, as appropriate.

Carol M. Rose,
Air Force Federal Register, Liaison Officer.

[FR Doc. 79-25261 Filed 8-15-79; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

32 CFR Part 360

[DOD Directive 5105.40]¹

Defense Mapping Agency (DMA); Authority Delegation; Revision of Final Rule

AGENCY: Office of the Secretary of Defense.

¹ Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

ACTION: Second revision of final rule.

SUMMARY: This revision delegates additional authority to the Director, DMA, to loan or lease property to foreign governments under terms that will be in the interest of national defense and the U.S. Government. This authority is granted to facilitate accomplishing DMA's mission.

EFFECTIVE DATE: July 6, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur H. Ehlers, Director for Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), The Pentagon, Washington, D.C. 20301, Telephone 202-695-4278.

SUPPLEMENTARY INFORMATION: In FR Doc 78-33889 appearing in the *Federal Register* on December 5, 1978 (43 FR 56894) the Office of the Secretary of Defense published the charter of the Director, Defense Mapping Agency, effective August 10, 1978. In FR Doc. 79-19261 appearing in the *Federal Register* on June 20, 1979 (44 FR 36033), the Office of the Secretary of Defense published a revision of § 360.7. This revises § 360.8 by adding paragraph (x) reading as follows:

§ 360.8 Delegation of authority.

(x) Lease property, under the control of DMA, under terms that will promote the national defense or that will be in the public interest, pursuant to the provisions of Title 10, U.S.C., Chapter 159, Section 2667.

(10 U.S.C. Chapter 4)

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

August 9, 1979.

[FR Doc. 79-25285 Filed 8-15-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 79-020]

Drawbridge Operation Regulations; Ouachita and Black Rivers, La.

AGENCY: Coast Guard, DOT

ACTION: Final rule

SUMMARY: At the request of the Louisiana Department of Transportation and Development, the Coast Guard is revising the operation regulations for the

drawbridges across the Black River, mile 41.0, and the Ouachita River, mile 57.5 and mile 110.1, to require a one-hour notice at all times. This change is being made because at this time each of those bridges is required to open on an average of less than one time per day. This action would relieve the bridge owner of the burden of having a person available to open the draw at all times.

EFFECTIVE DATE: This amendment is effective on September 17, 1979.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-0942).

SUPPLEMENTARY INFORMATION: On May 31, 1979, the Coast Guard published a proposed rule (44 FR 31230) concerning this amendment. The Commander, Second Coast Guard District, also published these proposals as a Public Notice dated June 14, 1979. Interested persons were given until July 2, 1979 to submit comments.

Drafting Information

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr. Project Manager, Office of Marine Environment and Systems, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

No comments were received. In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding new subparagraphs (21) and (22) immediately after § 117.560(f)(20) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(21) Black River, Louisiana. Louisiana Department of Highways bridge at Jonesville, mile 41.0. The draw shall open on signal if at least one hours' notice is given.

(22) Ouachita River, Louisiana. Louisiana Department of Highways bridges at Harrisonburg, mile 57.5, and Columbia, mile 110.1. The draws shall open on signal if at least one hours' notice is given.

(23)-(26) [Reserved]

* * * * *

[Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5)].

Dated: August 9, 1979.

R. H. Scarborough,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 79-25394 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 161

[CGD 78-080]

New Orleans Vessel Traffic Service

AGENCY: Coast Guard, DOT

ACTION: Final Rule

SUMMARY: The Coast Guard is amending the regulations governing the New Orleans Vessel Traffic Service to reflect existing river practice and terminology. The existing river practice, terminology, and regulations do not coincide. These changes will eliminate any misunderstanding and enhance navigation safety on the Mississippi River.

EFFECTIVE DATE: These amendments are effective on September 17, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant (jg) George W. Molessa, Jr., Office of Marine Environment and Systems (G-WLE-4/73), Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, DC 20590, (202) 426-4958.

SUPPLEMENTARY INFORMATION: On January 11, 1979, the Coast Guard published a proposed rule (44 FR 2401) concerning these amendments. Interested persons were given until March 1, 1979 to submit comments. One commenter submitted comments beyond the scope of the original proposal. The Coast Guard will consider these recommendations for future rulemaking. No public hearing was held or requested.

Drafting Information

The principal persons involved in drafting this regulation are: Lieutenant (jg) George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant John W. Salter, Project Counsel, Office of the Chief Counsel.

Evaluation

The Coast Guard has determined, in accordance with the Department of Transportation's Regulatory Policies and Procedures published on February 26, 1979 (44 FR 11034), that these amendments are not significant. Since these amendments only update the

regulations to reflect existing river practice and terminology, the economic impact is minimal and, accordingly, a full final evaluation is not warranted.

In consideration of the foregoing, the proposed amendments are adopted without change and are set forth below.

In consideration of the foregoing, Part 161 of Title 33 of the Code of Federal Regulations is amended as follows:

By revising § 161.402(b)(1), (2), and (3)(i) to read as follows:

§ 161.402 Vessel operation.

* * * * *

(b) * * *

(1) *Control lights.* When the Mississippi River reaches 8 feet on the Carrollton Gage on a rising stage, and until the gage reads 9 feet on a falling stage, the movement of all tugs with tows and all ships, whether under their own power or in tow, but excluding tugs or towboats without tows or river craft of comparable size and maneuverability operating under their own power, in the vicinity of Algiers Point shall be governed by red and green lights designated and located as follows: Governor Nicholls Light located on the left descending bank on the wharf shed at the upstream end of Esplanade Avenue Wharf, New Orleans, approximately 94.3 miles above Head of Passes; and Gretna Light located on the right descending bank on top of the levee at the foot of Ocean Avenue, Gretna, approximately 96.6 miles above Head of Passes. Governor Nicholls Light has lights visible from both upstream and downstream, and Gretna Light has lights visible from upstream, all indicating by proper color the direction of traffic around Algiers Point. From downstream, Gretna Light always shows green. All lights are visible throughout the entire width of the river and flash once every second. A green light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is clear and the vessel may proceed. A red light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is not clear and the vessel shall not proceed. Absence of lights shall be considered a danger signal and no attempt shall be made to navigate through the restricted area.

(2) *Ascending vessels.* Ascending vessels shall not proceed farther up the river than a line connecting the upper end of Atlantic Street Discharge Light (on right descending bank) with the lower end of Desire Street Wharf (on left descending bank) when a red light is displayed. Vessels waiting for a change

of signal shall keep clear of descending vessels.

(3) *Descending vessels.* (i) Descending vessels shall not proceed farther down the river than a line connecting the lower end of Julia Street Wharf (on left descending bank) with the vertical flagpole at Eastern Associated Terminals (on right descending bank) when a red light is displayed. Vessels shall round to and be headed upstream before they reach that line, if the signal remains against the vessel. Vessels waiting for a change of signal shall keep clear of ascending vessels.

* * * * *

(Sec. 2, Pub. L. 95-474, 92 Stat. 1471, (33 U.S.C. 1223); 49 CFR 1.46(n)(4))

Dated: August 8, 1979.

R. H. Scarborough,

Vice Admiral, U.S. Coast Guard, Acting Commandant,

[FR Doc. 79-25393 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD5-79-07R]

Chesapeake Bay, Hampton Roads, James River, and Newport News, Va.; Safety Zone Regulation

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations establishes a Safety Zone in James River, Newport News, Virginia bounded by a line beginning at 37-00-06N LATITUDE 76-27-07W LONGITUDE thence to 37-00-59N LATITUDE 76-28-10W LONGITUDE thence to 37-00-11N LATITUDE 76-29-14W LONGITUDE thence to 36-59-17N LATITUDE 76-28-08W LONGITUDE thence to the point of the beginning. This area will be marked by Special Purpose Buoys horizontally banded orange and white. The Coast Guard has determined this Safety Zone is required to safeguard persons from injury when the 415 foot long lift span is placed on the James River Lift Bridge during the period from 6 August 1979 through 9 August 1979. Waterborne traffic will be prohibited from entering or remaining in this Safety Zone without authorization from the Captain of the Port, Hampton Roads, Virginia.

EFFECTIVE DATE: This amendment is effective beginning 4:00 P.M. 6 August 1979 and terminated at 9:00 P.M. 9 August 1979.

FOR FURTHER INFORMATION, CONTACT: Lieutenant Commander H. F. HIRSH III, Chief, Port Operations Department,

USCG Marine Safety Office, Hampton Roads, Norfolk Federal Building, 200 Granby Mall, Norfolk, Virginia 23510, Tel: 804-441-3298, FTS 827-3298.

SUPPLEMENTARY INFORMATION: The Safety Zone is required for the placing of a 415 foot long lift span on the James River Lift Bridge. It is necessary to float the 415 foot long lift span into place on the 278 foot x 110 foot barge it is to be mounted on. This will require turning the barge assembly broadside across the channel for a period of three (3) days. No marine traffic through the channel can be accommodated during that time. The 278 foot x 110 foot barge assembly will be removed from the channel at the end of the 3 day period after the lift span is placed on the bridge piers. This amendment is issued without publication of a notice of proposed rule making, and this amendment is effective in less than 30 days from the date of publication because public procedures on this amendment are impractical due to the insufficient time until the lift span is placed on the James River Lift Bridge. A draft evaluation of this action has been prepared in accordance with DOT Notice 78-1, Improving Government Regulations, and is available for inspection with the public docket at USCG Marine Safety Office, Hampton Roads, Norfolk Federal Building, 200 Granby Mall, Norfolk, Virginia 23510.

DRAFTING INFORMATION: The principal person involved in the drafting of this rule is: Lieutenant Commander H. F. HIRSH III, Chief, Port Operations Department, USCG Marine Safety Office, Hampton Roads, Norfolk Federal Building, 200 Granby Mall, Norfolk, Virginia 23510. The project attorney is Lieutenant Mark GOODWIN, c/o Commander, Fifth Coast Guard District (d1), Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

In consideration of the above, Part 165 of Title 33 of the Code of Federal Regulation is amended by adding a new § 165.521, to read as follows:

§ 165.521 Chesapeake Bay, Hampton Roads, James River, and Newport News, Virginia.

The area enclosed by the following boundary is a Safety Zone: a line beginning at 37-00-06N LATITUDE 76-27-07W LONGITUDE thence to 37-00-59N LATITUDE 76-28-10W LONGITUDE thence to 37-00-11N LATITUDE 76-29-14W LONGITUDE thence to 36-59-17N LATITUDE 76-28-08W LATITUDE thence to the point of the beginning. This Safety Zone will be effective from 4:00 P.M. 6 August 1979 until 9:00 P.M. 9 August 1979.

(92 STAT. 1475 (33 U.S.C. 1225); 49 CFR 1.46(n)(4).)

Dated: July 27, 1979.

C. R. Thompson,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads, USCG Marine Safety Office, Norfolk Federal Building, 200 Granby Mall, Norfolk, Virginia 23510.

[FR Doc. 79-25395 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 183

[CGDH 77-145]

Boats and Associated Equipment Floatation Materials

AGENCY: Coast Guard, DOT.

ACTION: Correction: Final rule.

SUMMARY: In FR Doc. 78-33790, appearing at pages 56858 and 56859 in the Federal Register of December 4, 1978, paragraphs 183.112, 183.222, 183.322 and Table 5—Floatation Performance Tests are corrected as follows:

Whenever the phrase "Table 5" appears it is changed to read "Table 183.114."

FOR FURTHER INFORMATION CONTACT: Mr. Lars Granholm, Commandant, G-BBT-2/TP 42, U.S. Coast Guard, Washington, D.C. 20509, (202) 426-4027. R. H. Scarborough, Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 79-25028 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[FRL 1298-8; PP 8E2126/R219]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Methomyl

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide methomyl on lentils at 0.1 part per million (ppm). The proposal was submitted by the Interregional Research Project No. 4. This rule establishes a maximum permissible level for residues of the insecticide methomyl on lentils.

EFFECTIVE DATE: Effective on August 16, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia Critchlow, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC (202/426-0223).

SUPPLEMENTARY INFORMATION: On June 27, 1979, the EPA published a notice of proposed rulemaking in the Federal Register (44 FR 37516) in response to a pesticide petition (PP 8E2126) submitted to the Agency by the Interregional Research Project No. 4 (IR-4), New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Idaho and Washington. This petition proposed that 40 CFR 180.253 be amended by the establishment of a tolerance for residues of the insecticide methomyl (S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate) in or on the raw agricultural commodity lentils at 0.1 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.253 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before September 17, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on August 16, 1979, Part 180, Subpart C, section 180.253 is amended by adding a tolerance for residues of methomyl on lentils at 0.1 ppm as set forth below.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: August 10, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, section 180.253, is amended by alphabetically inserting lentils at 0.1 ppm in the table to read as follows:

§ 180.253 Methomyl; tolerances for residues.		
Commodity		Parts per million
* * * * *		
Lentils.....		0.1
* * * * *		

[FR Doc. 79-25387 Filed 8-15-79; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-26

[FPMR Amendment E-232]

Procurement Sources and Programs; Priorities for Use of Supply Sources

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation specifies in priority order the sources of supply to be used by agencies. Agencies are not always aware of the required priorities to be followed in obtaining items of supply and services. This regulation indicates the sequence to be followed by agencies in determining the appropriate source of supply to be used and will thereby promote greater economy and efficiency in Government acquisition.

EFFECTIVE DATE: August 8, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (202-566-1867).

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

1. The table of contents for Part 101-26 is amended to add the following entry:

101-26.107 Priorities for use of supply sources.

Subpart 101-26.1—General

2. Section 101-26.107 is added as follows:

§ 101-26.107 Priorities for use of supply sources.

(a) Executive agencies shall satisfy requirements for supplies and services from the sources and publications listed below in descending order as indicated:

- (1) *Supplies.* (i) Agency inventories; (ii) Excess from other agencies; (iii) Schedule of products made in Federal Penal and Correctional Institutions; (iv) Procurement lists of products available from the Committee for Purchase from the Blind and Other Severely Handicapped; (v) GSA stock program; (vi) Mandatory Federal Supply Schedules; (vii) Optional use Federal Supply Schedules; and (viii) Commercial sources (including educational and nonprofit institutions).

(2) *Services.* (i) Procurement lists of services available from the Committee for Purchase from the Blind and Other Severely Handicapped; (ii) Mandatory Federal Supply Schedules; (iii) Optional use Federal Supply Schedules; and (iv) Federal Prison Industries, Inc., or other commercial sources (including educational and nonprofit institutions).

(b) Sources other than those listed above may be used as prescribed in § 101-26.301 and in a public exigency as prescribed in §§ 1-3.202 and 101-25.101-5 of this title.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 8, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-25346 Filed 8-15-79; 8:45 am]

BILLING CODE 6820-24-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1968

[CSA Instruction 6802-3a, Change 1]

Grantee Financial Management; Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing a final rule affecting the non-Federal share contribution required when financial assistance is provided to State Economic Opportunity Offices under Section 231 of the Economic Opportunity Act. This change is necessary since a reduced level of funding for Section 231 is anticipated in FY 80. Under this final

rule the non-Federal share contribution is increased to 50%.

EFFECTIVE DATE: This rule is effective September 17, 1979.

FOR FURTHER INFORMATION CONTACT: John Finley; Telephone: (202) 254-5670; Teletypewriter: (202) 254-6218.

SUPPLEMENTARY INFORMATION: On April 12, 1979 at 44 FR 21829 CSA published a proposed rule which would have required all program year grants made on or after July 1, 1979 under Section 231 of the Economic Opportunity Act to carry a non-Federal share requirement of 50% and, beginning October 1, 1979 all grants funded under Section 231 would have carried a similar matching requirement. The proposed rule also made provisions for waiver of a portion of that required share and included criteria under which requests would be considered.

Sixty comments were received on the proposed rule. Based on a review of those comments, the rule has been changed to delete the requirement imposing the 50% match on program year grants made between July 1, 1979 and September 30, 1979 since it was perceived to impose an undue administrative burden. The final rule makes the new matching requirements effective for all grants made on or after October 1, 1979.

Graciela (Grace) Olivarez,
Director.

1.45 CFR 1068.20-2, paragraph (b) is revised as follows:

§ 1068.20-2 Definitions of terms used in this subpart.

* * * * *

(b) Administrative requirement (231). Beginning October 1, 1979 all grants funded under Section 231 of the Economic Opportunity Act carry a 50% non-Federal share requirement.

2.45 CFR 1068.20-3 paragraph (a) is amended by adding the following:

§ 1068.20-3 Program authorities for which non-Federal share contribution is required.

(a) * * *

(4) SEOOs (Section 231). (i) It is recognized that there are circumstances beyond an SEOO's control which inhibit its ability to raise the required non-Federal share or where the imposition of a 50% matching requirement would seriously affect the SEOO's ability to operate non-CSA-funded anti-poverty programs. Therefore, requests for waivers will be considered based on the following criteria:

(A) The State has not been able to appropriate matching funds due to the timing of the legislative calendar;

(B) substantial progress has been made toward assuring an appropriation for purposes of providing the required match;

(C) through the direct efforts of the SEOO there has been substantial state anti-poverty and social services activity; and/or

(D) failure to provide waiver will result in the loss of essential non-CSA-funded social services and antipoverty programs operated by the SEOO.

(ii) The amount of non-Federal share waived under the above criteria may not result in a matching requirement which, in absolute dollar value (cash and/or in kind), is less than that which was required under the terms of the grantee's last grant which carried a 20% matching requirement.

(iii) A request for waiver must be submitted in writing to the appropriate CSA Regional Office along with documentation to support the grantee's contention that at least one of the conditions cited in (A) through (D) exists.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942)

[FR Doc. 79-25196 Filed 8-15-79; 8:45 am]

BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[BC Docket No. 79-76; RM-3285]

Television Broadcast Station in Joplin, Montana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns two UHF television channels to Joplin, Montana, in response to a petition filed by East Butte Television Club, Inc. The assigned channels could permit the operation of high-powered translator stations which would provide service to a substantial population in northern Montana, significantly improving television reception in that area.

EFFECTIVE DATE: September 20, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

Adopted: August 6, 1979;

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Joplin, Montana)

By the Chief, Broadcast Bureau: 1. The Commission has before it the *Notice of Proposed Rule Making*, 44 FR 22762, adopted April 5, 1979, in response to a petition filed by East Butte Television Club, Inc.¹ ("petitioner"). The *Notice* proposed the assignment of Channels 48 and 54 to Joplin instead of Channels 46 and 52, as requested by petitioner, because Channel 52 at Joplin would be short-spaced to a Canadian assignment. Supporting comments were filed by petitioner in which it reaffirmed its intention to file for and operate high-powered translator stations on the proposed channels, if assigned.

2. Joplin,² an unincorporated community in Liberty County (pop. 2,359), is located in north central Montana, approximately 120 kilometers (75 miles) north of Great Falls, Montana. It has no television channel assignments.

3. Petitioner contends that the two proposed channel assignments would permit the operation of two high-powered (1,000 watt) UHF translators. It claims that the translators would provide service to a substantial portion of north central Montana, significantly improving television reception in that region. Petitioner states that although there are translators presently serving parts of this area, the quality of their signals is frequently marginal. Channels 48 and 54 can be assigned to Joplin in compliance with the minimum distance separation requirements and other technical criteria.

4. We have given careful consideration to the proposal and believe that Channels 48 and 54 should be assigned to Joplin, Montana. These channels could provide for high-powered translator stations which could bring substantially improved off-the-air television service to a significant population in northern Montana.

5. The Canadian Government has given its concurrence to the assignment of Channels 48 and 54 to Joplin, Montana.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as

¹ Petitioner operates four 100 watt UHF translators in the liberty County, Montana, area: K72AM, K74DW, K76AG and K78AH, rebroadcast programs of Stations KRTV and KFBB-TV, Great Falls, Montana; CHAT-TV, Medicine Hat, Alberta, Canada, and KFCN-TV, Calgary.

² The Joplin County subdivision has a 1970 U.S. Census population of 508.

amended, and § 0.281 of the Commission's Rules.

7. In view of the foregoing, IT IS ORDERED, That effective September 20, 1979, § 73.606(b) of the Commission's Rules, the Television Table of Assignments, as regards Joplin, Montana, IS AMENDED to read as follows:

City and Channel No.

Joplin, Montana, 48, 54--

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-25363 Filed 8-15-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-77; RM-3266]

FM Broadcast Station in Incline Village, Nev.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a Class A FM channel to Incline Village, Nevada, as its first FM assignment, in response to a petition filed by Thomas M. Scallen. The assigned channel will provide for a first local broadcast service to Incline Village.

EFFECTIVE DATE: September 20, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Incline Village, Nevada): BC Docket No. 79-77, RM-3266; Report and order (Proceeding Terminated).

Adopted: August 6, 1979.

Released: August 13, 1979.

By the Chief, Broadcast Bureau:

1. On April 5, 1979, at the request of Thomas M. Scallen ("petitioner"), the Commission adopted a *Notice of Proposed Rule Making*, 44 Fed. Reg. 22763, proposing the assignment of FM Channel 228A to Incline Village,

Nevada, as its first FM assignment. Supporting comments were filed by petitioner in which he reaffirmed his intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Incline Village¹ is an unincorporated community located on the north shore of the Lake Tahoe Basin some 37 kilometers (23 miles) southwest of Reno, Nevada. It has no local aural broadcast service.

3. Incline Village is located in Washoe County adjacent to the stateline of Nevada/California on the northeast shore of Lake Tahoe. According to petitioner, the Incline Village Crystal Lake Chamber of Commerce estimates the permanent population to be 12,000. Petitioner states that the 12,000 population figure increases to almost double that in the months of June, July, August and half of September, due to tourism. He notes that Incline Village has a post office, library, churches, banks, schools and shops. He also indicates that the area has theatres, civic organizations, recreation parks and a golf course. A map submitted by petitioner shows an area enclosed within the unofficial community boundary of approximately 1.3 square kilometers (0.5 square mile) and located about 18 kilometers (11 miles) northwest of Carson City, the nearest incorporated community.

4. Petitioner claims that because of limitations on the power and antenna height of the FM station at the south end of the basin, dependable service is unable to be provided to the northern end of the basin, and asserts that signals from the AM-FM stations in Carson City and Reno suffer from high ground attenuation and intervening mountainous terrain. As a result, petitioner states that the area north of Incline Village does not receive adequate service, particularly at night. He notes that Incline Village residents have expressed an interest in having a local full-time aural broadcast service.

5. Although petitioner did not submit an engineering study to support his claim of poor reception, he has submitted several letters from residents in Incline Village expressing their feelings as to the quality of reception and the need for a local aural broadcast service.

6. In view of the information submitted in response to the *Notice*, we are persuaded that Incline Village is a community with a significant number of year round inhabitants. It has the attributes generally associated with a

¹ Incline Village is not listed in the 1970 U.S. Census.

community, such as post office, library, churches, banks, schools and civic and social organizations. The Commission thus believes it would be in the public interest to assign FM Channel 228A to Incline Village, Nevada. A demand has been shown for its use and it would provide the community with a first aural broadcast service. It can be made without affecting any existing assignments and would be consistent with the applicable distance separation requirements.

7. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. In view of the foregoing, it is ordered, that effective September 20, 1979, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the community listed below, as follows:

City and Channel No.

Incline Village, Nevada, 228A.

9. It is further ordered, that this proceeding is terminated.

10. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Federal Communications Commission,

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-25373 Filed 8-15-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amend. No. 79-16]

Organization and Delegation of Power and Duties; Delegation to the General Counsel

AGENCY: Department of Transportation
ACTION: Final rule.

SUMMARY: This change delegates to the General Counsel certain authority that is currently vested in the Assistant Secretary for Administration by regulation. This authority relates to the determination and settlement of all tort claims arising from the activities of the Office of the Secretary and its employees. These powers and duties are delegated to the General Counsel

because this function can be more effectively administered by the General Counsel since the issues to be handled are primarily legal.

EFFECTIVE DATE: This amendment is effective on August 16, 1979.

FOR FURTHER INFORMATION CONTACT: Lynne A. Whitaker, Office of the General Counsel, Office of the Secretary, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, it is excepted from notice and public procedure requirements and it may be made effective in fewer than 30 days after publication in the *Federal Register*.

Discussion of Delegation

The Secretary derives his/her authority to consider, ascertain, adjust, compromise, determine and settle tort claims arising from actions of OST employees from section 2672 of Title 28 of the U.S. Code, the Federal Tort Claims Act, which establishes the power of heads of agencies to handle employment-related tort claims. Section 1.59(c)(5) of Title 49 of the Code of Federal Regulations contains a delegation of authority from the Secretary to the Assistant Secretary for Administration to consider, ascertain, adjust, determine and settle any tort claims arising from the activities of OST employees for amounts not exceeding \$25,000. For approval of awards and settlements in excess of \$25,000, the Assistant Secretary for Administration is required to request approval of the Attorney General through the Office of the General Counsel.

Under 49 CFR 1.23(c), the General Counsel is to render legal services as the chief legal officer of the Department, legal advisor of the Secretary and the Office of the Secretary, and is the final authority on questions of law.

The functions and duties conferred by this section include the considering, ascertaining, adjusting, determining, compromising and settling of tort claims up to \$25,000. Since these functions and responsibilities primarily require legal expertise and experience, it would be more effective to revoke all functions of the Assistant Secretary for Administration with regard to OST employee tort claims and redelegate those functions to the General Counsel. In addition, to place this section in conformance with the Federal Tort Claims Act, the authority to compromise tort claims has been added to this section.

§ 1.59 [Amended]

Accordingly, Part 1 of title 49 of the Code of Federal Regulations is amended by (1) deleting § 1.59(c)(5) and by (2) adding a new paragraph (n) to § 1.56, to read as follows:

§ 1.56 Delegations to the General Counsel.

* * * * *

(n) Consider, ascertain, adjust, determine, compromise and settle for an amount not exceeding \$25,000, any tort claim arising from the activities of any employee of the Office of the Secretary. Request the approval of the Attorney General for any such award, compromise, or settlement in excess of \$25,000 (28 U.S.C. § 2672).

(Section 9(e)(1), Department of Transportation Act. (49 U.S.C. 1657(e)))

Issued in Washington, D.C. on July 19, 1979.

Brock Adams,

Secretary of Transportation.

[FR Doc. 79-25381 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-62-M

Materials Transportation Bureau

49 CFR Part 173

[Docket Nos. HM-160; Amdt. Nos. 172-47, 173-123, 174-33, 175-7, 176-6, 177-44]

Transportation of Asbestos; Additional Revisions of Amendment No. 173-123

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Additional Revisions of Previous Amendment No. 173-123.

SUMMARY: These revisions to Amendment No. 173-123 (44 FR 18673, March 29, 1979) will permit carriage of asbestos: (1) by private carrier in dust and sift-proof bags and other non-rigid packaging without palletizing and unitizing; (2) in dust and sift-proof bags and other non-rigid packages within fiberboard or wooden boxes when shipped in less than pallet load quantities. This revision also clarifies the authority to ship leaktight hopper cars and leaktight hopper motor vehicles, and provides a grandfather clause for shipments initially shipped and transported prior to August 20, 1979.

EFFECTIVE DATE: August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Delmer F. Billings, Standards Division, Materials Transportation Bureau, Research and Special Programs Administration, DOT, Washington, D.C. 20590, phone 202-426-2075.

SUPPLEMENTARY INFORMATION: On March 29, 1979, the MTB published an amendment to the final rule under docket HM-160 in the *Federal Register* (44 FR 18673). Since this publication, the MTB has received two petitions for reconsideration in accordance with the provisions of 49 CFR 106.35.

One petitioner requested that the MTB clarify the meaning of the word "airtight" as it is used in § 173.1090(d)(1), and he questioned whether hopper cars would be authorized by the provisions of this same section. For the purposes of this section, the word "airtight" means that there can be no transfer of either air or particles between the packaging and the surrounding atmosphere under ambient conditions. Packaging specified in this section need not be pressure tight packaging. In an effort to eliminate any confusion, the word "airtight" has been deleted from this section, and the word "leaktight" has been substituted. Also, this section has been amended to include a specific reference allowing the use of leaktight hopper cars or hopper motor vehicles for the shipment of asbestos.

A petitioner stated that difficulties arise due to the lack of a provision allowing the shipment of dust and sift-proof bags or other non-rigid packagings in less than pallet load quantities. The petitioner stated that the use of an exclusive use vehicle for shipments of only a few bags of asbestos is extremely uneconomical and that it is also not feasible to maintain supplies to unitize and palletize small quantity shipments of bags of asbestos. This petitioner requested that fiber boxes be allowed as an alternative to the palletizing and unitizing method. The MTB is in basic agreement with this petitioner concerning small quantity shipments of asbestos in bags, therefore, this amendment provides for the shipment of dust and sift-proof bags or other non-rigid packagings when in rigid outside fiberboard or wooden boxes. This option will continue to provide for public safety by providing for equal protection of the bags during shipment but will allow shipment of less than pallet load quantities.

A petitioner objected that the amendment to the final rule as published on March 29, 1979, did not include the provision allowing private highway carriers to transport dust and sift-proof packagings without palletizing and unitizing which appeared in the final rule published on December 4, 1978 (43 FR 56664). The MTB agrees that the provision should be reinstated in view of the closer control exercised by

private carriers over shipments. This provision will allow for private carriage by highway of dust and sift-proof bags and other non-rigid packagings which are not palletized and unitized.

Several questions have been raised concerning the meaning of the words "exclusive use" as used in § 173.1090(d)(3). For the purposes of this section, "exclusive use" means that the consignor has complete use of the transport vehicle and that the loading is carried out by the consignor and unloading is carried out by the consignee or consignees.

A petitioner also cited a need for an extended effective date for packages of asbestos initially entered into transportation prior to August 20, 1979, but which would still be required to be shipped from distributors, warehouses, and the like, after that date. It was stated that many distributors, etc., do not have the ability or facilities to repackage such shipments and, therefore, such stocks would not be able to be reshipped after the effective date of the final rule, thus causing severe hardships. The MTB is in agreement that this situation could pose a serious burden and, therefore, this amendment includes a provision allowing packages of asbestos initially shipped prior to August 20, 1979, to continue to be shipped until December 31, 1979.

In consideration of the foregoing, § 173.1090 as it appeared in the *Federal Register* published on March 29, 1979 (44 FR 18673) is revised as follows:

In § 173.1090, paragraphs (d) (1), (2), and (3) are revised; paragraphs (d) (4) and (5) are added to read as follows:

§ 173.1090 Asbestos.

* * * * *

(d) * * *
(1) Rigid, leaktight packagings, such as metal or fiber drums, portable tanks, hopper-type rail cars, or hopper-type motor vehicles;

(2) Bags or other non-rigid packagings in closed freight containers, motor vehicles, or rail cars that are loaded by and for the exclusive use of the consignor and unloaded by the consignee;

(3) Bags or other non-rigid packagings which are dust and sift-proof. When transported by other than private carrier by highway, such packagings containing asbestos must be palletized and unitized by methods such as shrink-wrapping in plastic film or wrapping in fiberboard secured by strapping. Pallets need not be used during transportation by vessel for loads with slings that are unitized by methods such as shrink-wrapping, if the slings adequately and evenly support

the loads and the unitizing method prevents shifting of the bags or other non-rigid packagings during conditions normally incident to transportation; or

(4) Bags or other non-rigid packagings which are dust and sift-proof in strong outside fiberboard or wooden boxes.

(5) Notwithstanding the requirements of this section, packages containing asbestos initially shipped and transported prior to August 20, 1979, may continue to be shipped and transported until December 31, 1979.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1.)

Note.—The Materials Transportation Bureau has determined that this final rule will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available in the docket.

Issued in Washington, D.C. on August 10, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 79-25237 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-60-M

Federal Highway Administration

49 CFR 393

[BMCS Docket No. MC-56-1; Amendment No. 78-5]

Front Tire Marking Requirements; Technical Amendment

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Amendment to final rule.

SUMMARY: The Bureau of Motor Carrier Safety (BMCS) is issuing this document in order to amend the citation to the regulation defining commercial zone contained in § 393.75(f)(1)(ii) of the final rule published at 44 FR 25455 (May 1, 1979). The citation to 49 CFR 1048.100 should be corrected to read "Part 1048 of 49 CFR 1000-1199, revised as of October 1, 1975." While the ICC has since extended the boundaries of commercial zones for all municipalities, for purposes of the Federal Motor Carrier Safety Regulations the commercial zone boundaries remain the same as were defined by the ICC in the above mentioned October 1975 publication.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Donnell W. Morrison, Chief, Vehicle Requirements Branch, Bureau of Motor Carrier Safety, 202/426-1700; or Mrs.

Kathleen S. Markman, Office of the Chief Counsel, 202/426-0346, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

(§ 204, 49 Stat. 546, As amended (49 U.S.C. 304); § 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48 and 49 CFR 301.60)

Issued on: August 6, 1979.

Robert A. Kaye,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 79-25016 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Hunting; National Wildlife Refuges in North Dakota

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to hunting of certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the condition under which hunting will be permitted on portions of certain National Wildlife Refuges in North Dakota.

DATES: September 15, 1979 through December 31, 1979.

FOR FURTHER INFORMATION CONTACT:

The Area Manager, or appropriate Refuge Manager, at the address or telephone number listed below:

Wm. A. Aultfather, Area Manager, U.S. Fish and Wildlife Service, Box 1897, Bismarck, North Dakota 58501. Telephone (701) 255-4011, Ext. 401.

John R. Foster, Refuge Manager, Arrowwood and Chase Lake National Wildlife Refuges, R.R. 1, Pingree, North Dakota 58476. Telephone (701) 285-3341.

Ronald D. Shupe, Refuge Manager, Audubon and Lake Nettie National Wildlife Refuges, R.R. 1, Coleharbor, North Dakota 58531. Telephone (701) 442-5474.

John L. Venegoni, Refuge Manager, Des Lacs and Lake Zahl National Wildlife Refuges, Box 578, Kenmare, North Dakota 58746. Telephone (701) 385-4046.

Fred G. Giese, Assistant Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, North Dakota 58789. Telephone (701) 768-2548.

Maurice B. Wright, Refuge Manager, Upper Souris National Wildlife Refuge, R.R. 1, Foxholm, North Dakota 58738. Telephone (701) 468-5634.

Peter T. Smith, Refuge Manager, Long Lake and Slade National Wildlife Refuges, Moffit, North Dakota 58560. Telephone (701) 387-4397.

Karen A. Smith, Refuge Manager, Lostwood National Wildlife Refuge, R.R. 2, Kenmare, North Dakota 58746. Telephone (701) 848-2722.

Lyle A. Stemmerman, Refuge Manager, Lake Alice National Wildlife Refuge, Box 908, Devils Lake, North Dakota 58301. Telephone (701) 622-2924.

SUPPLEMENTAL INFORMATION: General: Hunting on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the office of the Area Manager (addresses listed above).

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 these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

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.

§ 32.12 Special regulations: Hunting of migratory game birds for individual wildlife refuge areas.

Lake Alice National Wildlife Refuge

Public hunting of geese, ducks, coots and mergansers is permitted on a

portion of the refuge in accordance with State season and regulations.

J. Clark Salyer National Wildlife Refuge

Public hunting of geese, ducks, coots and mergansers is permitted on designated public hunting areas in accordance with State season and regulations.

§ 32.22 Special regulations: Hunting of upland game for individual wildlife refuge areas.

Arrowwood National Wildlife Refuge

Public hunting of all upland game birds and fox is permitted on the refuge following the deer firearm season. In addition, fox may be taken during the deer firearm season by deer tag holders authorized to hunt in the area.

J. Clark Salyer National Wildlife Refuge

Public hunting of all upland game birds is permitted on nine designated public hunting areas in accordance with State season and regulations. In addition, sharp-tailed grouse and gray partridge hunting is permitted on that portion of the refuge south of the road know as the Upham-Willow City road during the State season. Pheasant, sharp-tailed grouse and gray partridge hunting is permitted on the entire refuge following the deer firearm season until the close of the State upland game season.

Lostwood National Wildlife Refuge

Sharp-tailed grouse hunting is permitted on portions of the refuge south of State Highway 50 during the State season except closed during the deer firearm season. Other portions of the refuge north of State Highway 50 are open to sharp-tailed grouse hunting following the deer firearm season until the close of the State upland game season.

Lake Alice National Wildlife Refuge

A portion of the refuge is open to hunting of all upland game species in accordance with the State season and regulations.

§ 32.32 Special regulations: Hunting of big game for individual wildlife refuge areas.

Arrowwood National Wildlife Refuge

Public hunting of deer with firearms is permitted on a portion of the refuge. Hunters must possess license for 1979 deer hunting unit IIF2. Special refuge permit required during first 2½ days of season.

Chase Lake National Wildlife Refuge

Public hunting of deer with firearms is permitted on the refuge. Hunters must possess license for 1979 deer hunting unit IJ. Special refuge permit required during the first 2½ days of the season.

Audubon National Wildlife Refuge

Public hunting of deer with firearms is permitted. Hunters must possess license for 1979 deer hunting unit IIK.

Lake Nettie National Wildlife Refuge

Public hunting of deer with firearms is permitted on portions of the refuge. Hunters must possess license for 1979 deer hunting unit IIK.

Des Lacs National Wildlife Refuge

Public hunting of deer with firearms is permitted on portions of the refuge. Hunters must possess license for 1979 deer hunting unit IIIA2 if hunting north of Highway 52 and unit IIIA1 if hunting south of Highway 52. Special refuge hunting permit required the first 2½ days of the season.

J. Clark Salyer National Wildlife Refuge

Public hunting of deer with firearms is permitted on the refuge. Hunters must possess license for 1979 deer hunting unit IIIA2. Special refuge hunting permit required during first 2½ days of the season.

Lostwood National Wildlife Refuge

Public hunting of deer with firearms is permitted on portions of the refuge. Hunters must possess license for 1979 deer hunting-unit IIIA1. Special refuge permit required for first 2½ days of the season.

Upper Souris National Wildlife Refuge

Public hunting of deer with firearms is permitted on the refuge. Hunters must possess license for 1979 deer hunting unit IIIA2. Special refuge permit required for first 2½ days of the season.

Lake Alice National Wildlife Refuge

Public hunting of deer with firearms is permitted on portions of the refuge. Hunters must possess license for 1979 deer hunting unit IIE.

*Long Lake National Wildlife Refuge—
Slade National Wildlife Refuge*

Public hunting of deer with firearms is permitted on portions of the Long Lake and Slade refuges. Hunters must possess license for 1979 deer hunting unit III.

Dated: August 8, 1979.
Wm. Aultfather,
Area Manager.
(FR Doc. 79-25255 Filed 8-15-79; 8:45 am)
BILLING CODE 4310-55-M

50 CFR Part 32

Hunting; Opening of the Bombay Hook National Wildlife Refuge, Delaware, to Hunting

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

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Bombay Hook 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: September 1, 1979 through February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Don Perkuchin, Bombay Hook National Wildlife Refuge, R.D. #1, Box 147, Smyrna, Delaware 19977, Telephone No. 302-653-9345.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Bombay Hook 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.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese, and coots is permitted on areas designated

by signs as open to hunting including the South Waterfowl Hunting Area, the West Waterfowl Hunting Area, the Young Waterfowlers Area, and the South Upland Hunting Area.

Hunting shall be in accordance with all State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

1. Hunting is permitted on the West Waterfowl Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays (except November 10) during the goose season.
2. Hunting in the South and West Waterfowl Areas and Young Waterfowlers Area shall be only from existing numbered blinds. The possession of an uncased gun or shooting while outside of a blind is prohibited on these areas except when in active pursuit of crippled waterfowl. In such cases the hunter may fire at only the crippled bird.
3. Hunting is permitted in the South Waterfowl Hunting Area only on Monday, Wednesday, Friday, and Saturday, during the State duck season.
4. The necessary permit to enter the South Waterfowl Hunting Area will be issued each hunting day by a ticket-lottery system at one and one-half hours before legal shooting time at the checking station at Port Mahon. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis. Permits will be surrendered at the checking station within one-half hour after sunset. The necessary permit to enter the West Waterfowl Hunting Area may be obtained by applying to the refuge manager for advance reservation. The permits for advance reservations will be cancelled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lottery on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.
5. Each hunting permittee using the West Waterfowl Hunting Area will pay a recreation fee of \$10.00 prior to entrance into the hunting area. A recreation fee of \$2.00 per hunter will be charged on the South Waterfowl Hunting Area prior to entrance into the hunting area. Non-ambulatory individuals using the Young Waterfowl Hunting Area will pay a recreation fee of \$10.00 per blind prior to entrance into the hunting area.

6. Not more than four persons may occupy a blind at any one time on the West Waterfowl Hunting Area nor more than three on the South Waterfowl Hunting Area.

7. The Young Waterfowlers Area will be open from one-half hour before sunrise to 12:00 noon local standard time on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths, accompanied by an instructor who may not possess ammunition or possess or discharge a firearm, may use one blind. Two blinds within the Young Waterfowlers Area will also be utilized on Tuesdays by non-ambulatory individuals. These individuals will be selected in cooperation with the Delaware Division of Vocational Rehabilitation. Two hunters accompanied by an assistant who may not possess ammunition or possess or discharge a firearm, may use each blind.

8. Hunters on all four areas are required to use steel shotshells in 12-gauge shotguns. Hunters using 12-gauge shotguns may not have in their possession lead shotshells. Lead shotshells may be used in shotguns other than 12-gauge. No hunters may have in their possession or use in one day more than 12 shells on the West Waterfowl Hunting Area or 15 shells on the Young Waterfowlers Hunting Area.

9. Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

Public hunting of rails and gallinules, mourning doves, woodcock, crows, and common snipe on the 169 acre South Upland Hunting Area is permitted during the regular state seasons.

Hunting shall be in accordance with all Federal and State regulations covering the hunting of rails and gallinules, mourning doves, woodcock and common snipe.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of upland game on the 169 acre South Upland Hunting Area is permitted during the regular state season in accordance with all Federal and State regulations covering upland game hunting.

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

Public hunting of deer is permitted only on designated areas. Hunting shall be in accordance with all state regulations subject to the following special conditions:

1. Season: (a) Archery-Hunting by bow and arrow on the regular Deer Hunting Area is permitted on the first four Saturdays of the season from September 15 through October 6. Hunting by bow and arrow on the South Upland Hunting Area is permitted during the entire season.

(b) Shotgun—Hunting with shotguns on the regular Deer Hunting Area is permitted only on November 9, 10, 12, and 14, 1979. Hunting with shotguns on the South Upland Hunting Area is permitted during the entire state season. Hunting with shotguns by non-ambulatory individuals on the Special Deer Hunting Area is permitted on November 12, and 16, 1979.

(c) Primitive Firearms—Hunting with primitive firearms on the Regular Deer Hunting Area is permitted on October 12 and 13, 1979. Hunting with primitive firearms on the South Upland Hunting Area is permitted during the entire state season.

2. Hunter Qualification Requirements: All deer hunters are required to show proof of completion of hunter qualification test and possess a valid hunter qualification card. Qualification tests are required every three years to maintain a valid card. Tests must be completed and passed with the weapon which the individual uses during the hunt. Qualification requirements for each weapon are as follows:

(a) Archery—The hunter must place three out of five arrows in the 9x14 inch chest area of standard size deer target at 25 yards.

(b) Shotgun—The hunter must place three consecutive slugs in a 12-inch circle at 30 yards from the standing position.

(c) Primitive Firearms—The hunter must place three consecutive rounds in a 12-inch circle at 50 yards, firing from the offhand position.

3. Permit Requirements: All deer hunters, regardless of type of weapon, are required to obtain a daily permit prior to hunting on the Regular Deer Hunting Area. Daily permits are not required on the South Upland Area. Procedures for obtaining daily permits are as follows:

(a) Archery—Permits are issued at the Dutch Neck Gate Refuge Entrance on a first-come, first-served basis one hour before shooting time on the days of the hunt. The maximum number of hunters admitted to the Regular Deer Hunting Area at any one time will be 80.

(b) Shotgun—Permits are obtained by applying to the refuge manager in writing for an advance reservation. Successful applicants are selected by public lottery. Individuals who have

been selected for advance reservation must appear at refuge headquarters prior to one hour before legal shooting time on the day of the hunt to be issued a permit. Failure to appear will result in forfeiture of the reservation. Forfeited permits and permits not reserved by advance reservations will be awarded to standby hunters by lottery one hour before the start of legal shooting time. The maximum number of hunters admitted to the Regular Deer Hunting Area at any one time will be 50.

Shotgun hunters utilizing the Special Deer Hunting Area will be restricted to non-ambulatory individuals as selected in cooperation with the Delaware Division of Vocational Rehabilitation. The maximum number of hunters admitted to the Special Deer Hunting Area at one time will be ten.

(c) Primitive weapon—Permits are issued at the Dutch Neck Gate Refuge Entrance on a first-come, first-served basis one hour before shooting time on the days of the hunt. The maximum number of hunters admitted to the Deer Hunting Area at any one time will be 50.

4. Only blinds, platforms or scaffolds that are erected and removed each day of the hunt may be used. Written permission from the refuge manager is required for the construction or use of any such artificial structure.

5. Target practice or the test firing of any weapon is not permitted.

All the refuge hunting areas are shown on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The 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 Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR, Part 14.

Administrative needs require that the Bombay Hook Refuge hunting seasons be held concurrent with the Delaware State hunting season dates. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance

with Department of the Interior general policy.

Wm. C. Ashe,

Acting Regional Director, U.S. Fish and Wildlife Service.

August 8, 1979.

[FR Doc. 79-25257 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Hunting; Opening of the Erie National Wildlife Refuge, Pennsylvania, to Hunting.

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

ACTION: Special Regulation

SUMMARY: The Director has determined that the opening to hunting of Erie 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: (September 1, 1979 through January 31, 1980)

FOR FURTHER INFORMATION CONTACT: Bill McCoy, Erie National Wildlife Refuge, RD 2, Box 191, Guys Mills, Pennsylvania, 16327, Telephone No. 814-789-3585.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Erie 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.

§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.

Public hunting of migratory game birds on the Erie National Wildlife Refuge is permitted from September 1, 1979 through December 31, 1979, in accordance with all State and Federal regulations subject to the following special conditions: Field possession of migratory game birds is prohibited in areas of the refuge closed to migratory game bird hunting. Such hunting is permitted only on the designated area, as shown on maps available at refuge headquarters.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

Public hunting of rabbits, woodchucks, raccoons, squirrels, grouse, quail, pheasants, skunks, opossums, and foxes is permitted from October 20, 1979 through January 31, 1980 on portions of the Erie National Wildlife Refuge. Maps showing the open hunting areas are available at refuge headquarters.

Hunting shall be in accordance with all State regulations governing hunting of small game, furbearers, and foxes, subject to the following special conditions: That portion of the refuge situated between Pennsylvania Routes 27 and 173 is closed to hunting with firearms from September 1, 1979 through November 24, 1979. Hunting of fox and racoon is permitted only on that portion of the refuge located north of Route 27. All fox and racoon hunters must have a special use permit in possession when hunting on the refuge. Permits may be secured at the refuge headquarters.

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

Public hunting of deer on the Erie National Wildlife Refuge, Pennsylvania, is permitted from September 29, 1979 through January 5, 1980. The open hunting area is shown on maps available at refuge headquarters.

Hunting shall be in accordance with all State and Federal regulations covering the hunting of deer, subject to the following special conditions: All hunters, except archery hunters, shall be required to wear a minimum of 400 total square inches of a safety fluorescence color material. A permit is required for all deer hunting. Permits may be secured at refuge headquarters and must be returned via mail or in person within 10 days of the close of the respective season. Failure to return the permit will result in loss in hunting privileges the following year. Refuge hunters are prohibited from engaging in target

practice or random shooting in all refuge hunts. The use of alcoholic beverages is not permitted on the refuge when visiting for the purpose of hunting.

All hunting area maps are available at refuge headquarters and from the Regional Director, One Gateway Center, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations governing 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 Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR, Part 14.

Administrative needs require that the Erie Refuge hunting seasons be held concurrent with the Pennsylvania State hunting seasons. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

Wm. C. Ashe,

Acting Regional Director, U.S. Fish and Wildlife Service.

August 8, 1979.

[FR Doc. 79-25256 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Hunting; Opening of the Prime Hook National Wildlife Refuge, Delaware, to Hunting

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

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to hunting of Prime Hook 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: September 1, 1979 through February 29, 1980.

FOR FURTHER INFORMATION CONTACT: George O'Shea, Prime Hook National Wildlife Refuge, R.D. #1, Box 195, Milton, Delaware 19968, Telephone No. 302-684-8419.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the

extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Prime Hook 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.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese, and coots, is permitted on the 1,180 acre Waterfowl Hunting Area.

Hunting shall be in accordance with all Federal and State regulations covering the hunting of migratory game birds subject to the following special conditions:

1. Permits will be issued by a ticket-lottery system at two hours before legal shooting time. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis until 3:00 p.m. Permits will be surrendered at the checking station within one hour after sunset. When leaving a blind unoccupied for any reason the permit must be turned in and a new permit must be completed at the check station before hunting again.

2. Hunting shall be only from blinds at locations designated by refuge personnel. The possession of an uncased gun or shooting while outside of a blind is prohibited except when in active pursuit of crippled waterfowl. In such cases the hunter may fire at only the crippled waterfowl. Three hunters per blind permitted.

3. The area is open each Monday, Wednesday, Friday, and Saturday, throughout the duck hunting season.

4. Access to the waterfowl hunting area will be at designated boat access points.

5. Steel shotshells are required for all waterfowl hunters using 12-gauge shotguns. No waterfowl hunters using a 12-gauge shotgun shall have in their possession lead shotshells. Hunters may

use lead shotshells in shotguns other than 12 gauge.

6. Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment and ammunition.

Public hunting of rails, gallinules, mourning doves, common snipe, woodcock, and crows is permitted only on the 2,185 acre North Hunting Area. Hunting shall be in accordance with all Federal and State regulations covering the hunting of rails, gallinules, mourning doves, woodcock, common snipe and crows.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of upland game is permitted only to the 2,185 acre North Hunting Area. Hunting shall be in accordance with all State and Federal regulations covering the hunting of upland game subject to the following conditions:

1. Hunting hours will be from one-half hour before sunrise to one-half hour after sunset.

2. Field possession of waterfowl or coots is prohibited on the North Hunting Area.

3. Practice and target shooting is prohibited.

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

Public hunting of deer is permitted only on the 2,185 acre North Hunting Area. Hunting shall be in accordance with all State regulations covering the hunting of deer subject to the following conditions:

Archery Hunt

1. Archery hunters must show proof of completion of an archery qualification test. This test will consist of placing three out of five arrows in the 9 x 14 inch chest area of a standard size deer target at twenty-five yards. Hunters qualified in 1976 must requalify. The qualification is valid for three years only.

2. Seasonal permits are required for the North Hunting Area and will be issued at the Prime Hook Refuge office Mondays through Fridays between 7:30 a.m. and 4:00 p.m. Permits may also be requested by mail. Those permits must be returned to the refuge office by the end of the deer hunting seasons.

3. Only blinds, platforms or scaffolds that are erected and removed each day for the hunt may be used. Written permission from the refuge manager is required for the construction or use of any such artificial structures.

Firearms Hunt

1. Primitive firearm and shotgun hunters must possess a valid firearms qualification card. The test for muzzleloaders will consist of placing three consecutive rounds in a 12-inch bullseye at 50 yards firing from the standing position. The test for shotgun hunters will consist of placing three consecutive slugs in a 12-inch target at a distance of 30 yards from the standing position.

2. Permits are required for all deer hunting. These permits are available free of charge and will be issued by mail to successful applicants selected by a pre-season drawing.

3. The number of shotgun hunters admitted to the open area will be restricted to 25 preselected hunters per day.

4. Permits must be returned to the refuge office by the end of the deer hunting season.

5. Only blinds, platforms or scaffolds that are erected and removed each day of the hunt may be used. Written permission from the refuge manager is required for the construction or use of any such artificial structure.

The Waterfowl Hunting Area and the North Hunting Area are shown on maps available at refuge headquarters and from the Regional Director, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of these special regulations 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 Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Administrative needs require that Prime Hook Refuge hunting seasons be held concurrent with the Delaware State hunting seasons. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

Wm. C. Ashe,

Acting Regional Director, U.S. Fish and Wildlife Service.

August 8, 1979.

[FR Doc. 79-25258 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 44, No. 160

Thursday, August 16, 1979

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[7 CFR Part 432]

Proposed Corn Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring corn crops effective with the 1980 crop year. This rule combines provisions from previous regulations for insuring corn as grain or grain-silage in a shorter, clearer, and more simplified document which will make the program more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted not later than October 15, 1979, to be assured of consideration.

ADDRESS: Written comments on this proposed rule should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

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

SUPPLEMENTARY INFORMATION: Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), it is proposed that there be established a new Part 432 of Chapter IV in Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 432, Corn Crop Insurance.

This part prescribes procedures for insuring corn crops as grain or grain-silage effective with the 1980 crop year.

All previous regulations applicable to insuring corn crops as found in 7 CFR

401.101-401.111, and 401.154, will not be applicable to 1980 and succeeding corn crops but will remain in effect for Federal Crop Insurance Corporation (FCIC) corn insurance policies issued for the crop years prior to 1980.

It has been determined that combining all previous regulations for insuring corn crops into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition, proposed 7 CFR Part 432 provides (1) for a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) that, when appraisals for unharvested acreage are made (except appraisals for abandoned acreage, other use without consent, uninsured causes, poor farming practices, and substitute crops) only the appraisals in excess of 6 bushels or 20 percent of the guarantee will be included in the production to count, (3) that any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (4) that the time period for submitting a notice of loss be extended from 15 days to 30 days, (5) that the 60-day time period for filing a claim be eliminated, (6) that three coverage level options be offered in each county, (7) that the Actuarial Table shall provide the level which will be applicable to a contract unless a different level is selected by the insured and the conversion level will be the one closest to the present percent level offered in each county, and (8) for an increase in the limitation from \$5,000 to \$20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR Part 432.5 of these proposed regulations, wherein the Manager of the Corporation is authorized to take action to grant relief.

The proposed Corn Crop Insurance regulations provide a December 31 cancellation date for all counties. These regulations, and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the

cancellation date, in order to afford farmers an opportunity to examine them before the cancellation date of December 31, 1979, before they become effective for the 1980 crop year.

All written submissions made pursuant to this notice will be available for public inspection at the office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

PROPOSED RULE: Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to delete and reserve 7 CFR 401.154, but these provisions shall remain in effect for FCIC corn insurance policies issued for crop years prior to 1980. The Corporation also proposes to issue a new Part 432 in Chapter IV of Title 7 of the Code of Federal Regulations effective with the 1980 and subsequent crops of corn, which shall remain in effect until amended or superseded, to read as follows:

PART 432—CORN CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

- Sec.
- 432.1 Availability of Corn Insurance.
 - 432.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
 - 432.3 Public notice of indemnities paid.
 - 432.4 Creditors.
 - 432.5 Good faith reliance on misrepresentation.
 - 432.6 The contract.
 - 432.7 The application and policy.

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

§ 432.1 Availability of Corn Insurance.

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

§ 432.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for corn which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 432.3 Public notice of indemnities paid.

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

§ 432.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 432.5 Good faith reliance on misrepresentation.

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

§ 432.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the corn crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 432.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the corn crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

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

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1969 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a corn contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Corn Insurance Policy for the 1980 and succeeding crop years, and the Appendix to the Corn Insurance Policy are as follows:

U.S. Department of Agriculture—Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years; Corn

Crop Insurance Contract

Contract Number—
Identification No.—
Name and Address—
ZIP Code, County, and State—
Type of Entity—

Applicant is over 18: Yes No

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the corn planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. THE PREMIUM RATES AND PRODUCTION GUARANTEES SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.

Level Election—
Price Election—

Example: For the 19— Crop Year Only (100% Share)

Location/Farm No.—
Guarantee Per Acre*—
Premium Per Acre**—
Practice—

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELLED OR TERMINATED as provided in the contract. This accepted application, the following corn insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

Code No./Witness To Signature—

Signature of Applicant—

19—
Address of Office for County:—

Phone—

Location of Farm Headquarters:—

Phone—

*Your guarantee will be on a unit basis (acres x per acre guarantee x share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

Corn Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. *Causes of Loss.* (a) Causes of loss insured against. The insurance provided in against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss or production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and Acreage Insured.* (a) The crop insured shall be field corn which is planted for harvest as grain or silage and silage-type corn only where a silage guarantee is shown on the actuarial table and which is grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage planted to corn on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (3) which is destroyed and after such destruction it was practical to replant to corn and such acreage was not replanted, (4) initially planted after the date on file in the office for the county which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, (5) of volunteer corn, (6) planted to a type or variety of corn not established as adapted to the area or shown as noninsurable on the actuarial table, or (7) planted with another crop, except as otherwise provided herein.

(c) Insurance may attach only by written agreement with the Corporation on acreage which is planted for the development or production of hybrid seed or for experimental purposes.

3. *Responsibility of Insured To Report Acreage and Share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of corn planted in the county

(including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Production Guarantees, Coverage Levels, and Prices For Computing Indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The grain production guarantee per acre shall be reduced by the lesser of 6 bushels or 20 percent for any unharvested acreage; where the insured crop is *silage-type* corn, the silage guarantee per acre shall be reduced by the lesser of 1 ton or 20 percent for any unharvested acreage.

5. *Annual Premium.* (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

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

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

BILLING CODE 3410-08-M

% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio ^{1/} Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 - .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 - .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 - .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 - .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 - 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE

	Number of Loss Years Through Previous Year ^{2/}															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio ^{1/} Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 - 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 - 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 - 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 - 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 - 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 - 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 - 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 - 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 - 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 - Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

^{1/} Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

^{2/} Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided*, When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however*, if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

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

6. *Insurance Period.* Insurance on insured acreage shall attach at the time the corn is planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) harvest, (c) December 10 of the calendar year in which corn is normally harvested in all states except North Dakota (where insurance ceases October 31), or (d) total destruction of the insured corn crop: *Provided*, That where the actuarial table shows both a grain and a silage guarantee, insurance shall remain in effect no later than September 30 on any acreage of *silage-type* corn or any acreage of *field* corn harvested for silage, and any loss of production of corn occurring thereafter shall be regarded as lost from an uninsured cause.

7. *Notice of Damage or Loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

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

(c) In addition to the notices required in subsection (b) of this section, if any acreage intended for harvest as silage has been damaged to the extent that a loss is probable, the insured shall give written notice to the

Corporation as follows: (1) where the actuarial table shows only a grain guarantee, and the insured desires to harvest any acreage for silage, notice shall be given before the start of harvest of such acreage, or (2) where the actuarial table shows both a grain and a silage guarantee, notice shall be given prior to harvest if the harvested production will not be able to be determined, or by September 30 for unharvested acreage of *silage-type* corn or *field* corn intended for silage.

(d) In addition to the notices required in subsections (b) and (c) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than 30 DAYS after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire corn crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(e) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

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

8. *Claim for Indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of corn on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of corn on the unit by the applicable guarantee per acre, and multiplying such result by the applicable price for computing indemnities, which product shall be the dollar amount of insurance for the unit, (2) subtracting therefrom the dollar amount obtained by multiplying the total production to be counted for the unit by the applicable price for computing indemnities, and (3) multiplying the result obtained in step (2) by the insured share. Where the actuarial table shows only a grain guarantee, all production and appraisals shall be determined in bushels. Where the actuarial table shows both a grain and a silage guarantee, the production and appraisals shall be determined in bushels or tons, depending upon whether the acreage is harvested for grain or silage, except that the production and appraisals of *silage-type* corn shall be in tons. Where a unit contains acreage to which both a grain and a silage guarantee apply, the dollar amount of insurance and dollar amount of the production to be counted shall be determined separately for each portion and then added together to determine the total amount for the unit: *Provided*, That if the premium computed

on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Mature grain production shall be reduced .12 percent for each .1 percentage point of moisture in excess of 15.5 through 30.0 percent or .2 percent for each .1 percentage point of moisture from 30.1 through 40.0 percent. If the moisture is over 40 percent, or the test weight is below 40 pounds per bushel, the percent of the production to be counted shall be that agreed upon by the Corporation and the insured, or in the absence of agreement, as determined by the Corporation: *Provided, however*, That for harvested production, such percent shall not be less than 25.

(3) Appraised production to be counted shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is planted before corn harvest becomes general in the current crop year to any other crop insurable on such acreage (excluding any crop(s) maturing for harvest in the following calendar year). (ii) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of the lesser of 6 bushels or 20 percent of the production guarantee for grain and the lesser of 1 ton or 20 percent of the production guarantee for silage for all other unharvested acreage.

(d) If the insured intends to harvest any acreage for silage and gives notice pursuant to section 7 of this policy: (1) where the actuarial table shows only a grain guarantee, the Corporation will appraise the production in bushels of grain, (2) where the actuarial table shows both a grain and a silage guarantee, the Corporation will appraise the production in tons of silage only if the harvested production could not be determined, and such appraisal of *field* corn will be used in computing the amount of loss only if such corn is actually harvested for silage. When an appraisal of production is required, the Corporation will make such appraisal before harvest starts; but, if unable to do so, the insured may harvest the acreage provided that representative areas are left unharvested for a Corporation appraisal.

(e) Where the actuarial table shows both a grain and a silage guarantee, the Corporation has the right to increase the silage production or tonnage appraisals of corn which is harvested for silage after the normal silage-harvesting period to reflect the normal moisture content of silage.

(f) The Corporation reserves the right to determine the amount of production of unharvested corn on the basis of field

appraisals immediately after the end of the insurance period.

(g) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However*, if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of corn becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

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

10. *Transfer of Insured Share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. *Records and Access to Farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all corn produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. *Life of Contract: Cancellation and Termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided*, That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

County: All counties. Cancellation date: December 31. Termination date for indebtedness: March 31.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix.—Additional Terms and Conditions

1. *Meaning of Terms.* For the purposes of corn crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding corn insurance in the county.

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

(c) "Crop year" means the period within which the corn crop is normally grown and shall be designated by the calendar year in which the corn crop is normally harvested.

(d) "Harvest" means removing the grain from the stalk either by hand or machine or cutting the corn for the purpose of livestock feed.

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

(f) "Insured" means the person who submitted the application accepted by the Corporation.

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

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

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

(j) "Silage" means corn harvested by serving the stalk from the land and chopping the stalk and the ear for the purpose of livestock feed.

(k) "Tenant" means a person who rents land from another person for a share of the corn crop or proceeds therefrom.

(l) "Unit" means all insurable acreage of corn in the county on the date of planting for the crop year (1) in which the insured has a

100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the corn crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage Insured.* (a) The Corporation reserves the right to limit the insured acreage of corn to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the planting of corn.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

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

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

4. *Annual Premium.* (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. *Claim for and Payment of Indemnity.* (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured corn acreage.

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

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

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

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the Contract.* (a) The contract shall terminate if no premium is earned for five consecutive years.

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

8. *Coverage Level and Price Election.* (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which

the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and price election for any crop year on or before the closing date for submitting applications for that crop year.

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

10. *Contract Changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

This proposal has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

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

Approved by the Board of Directors on July 24, 1979.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

[FR Doc. 79-25262 Filed 8-15-79; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

[7 CFR Part 1065]

[Docket No. AO-86-A37]

Milk in the Nebraska-Western Iowa Marketing Area; Extension of Time For Filing Exception to the Recommended Decision on Proposed Amendments To Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rule.

SUMMARY: This notice extends the time for filing exceptions to a recommended decision concerning a proposed amended order regulating the handling of milk in the Nebraska-Western Iowa marketing area. Several interested parties requested additional time to complete an analysis of the decision.

DATE: Exceptions now are due on or before September 6, 1979.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-7183).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing: Issued September 29, 1978; published October 4, 1978 (43 FR 45881).

Extension of time for filing briefs: Issued January 15, 1979; published January 19, 1979 (44 FR 3989).

Recommended decision: Issued July 24, 1979; published July 30, 1979 (44 FR 44523).

Notice is hereby given that the time for filing exceptions to the above listed recommended decision is hereby extended to September 6, 1979.

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

Signed at Washington, D.C., on: August 13, 1979.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-25383 Filed 8-15-79; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 9]

Privacy Act Regulations; Proposed Exemptions

AGENCY: U.S. Nuclear Regulatory Commission

ACTION: Proposed rule.

SUMMARY: The Commission is proposing exemptions as provided under the Privacy Act of 1974. The proposed amendment of the Commission's regulation "Public Records" would exempt from certain requirements of the Privacy Act portions of a proposed new system of records "Special Inquiry File."

DATE: Comments must be received by September 17, 1979.

ADDRESSES: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: On July 27, 1979, the Commission published a notice to establish a propose new system of records, identified as Special Inquiry file, NRC-33. The proposed amendment of § 9.95 of 10 CFR Part 9 set forth below would exempt from certain requirements of the Privacy Act portions of the proposed system of records NRC-33.

Specific exemptions from the requirements of the Privacy Act pertaining to proposed NRC-33 are intended to prevent access to (a) information classified pursuant to Executive Order 12065 and exempted pursuant to 5 U.S.C. 552a(k)(1); (b) investigatory material compiled for law enforcement purposes exempted pursuant to 5 U.S.C. 552a(k)(2); and (c) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts or access to classified information exempted pursuant to 5 U.S.C. 552a(k)(5).

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of title 5 of the United States Code, as amended, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, code of Federal Regulations, Part 9 is contemplated.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by September 17, 1979. Copies of comments

received will be available for public inspection and copying at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C.

1. Section 9.95 of 10 CFR Part 9 is amended by adding a new paragraph (n) to read as follows:

§ 9.95 Specific exemptions.

Pursuant to 5 U.S.C. 552a(k), portions of the following NRC systems of records are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4)(G), (H), and (I) and (f) and are subject to the provisions of § 9.61 of this part:

* * * * *
(n) Special Inquiry File
* * * * *

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552a.)

Dated at Bethesda, MD this 9th day of August 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-25357 Filed 8-15-79; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 214]

[Docket No. ERA-R-78-3]

Canadian Allocation Program

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Intent to Defer Issuance of Final Rule.

SUMMARY: On November 17, 1978, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a notice of proposed rulemaking regarding revisions to the Canadian Allocation Program ("CAP") (43 FR 55735, November 28, 1978). The proposed amendments to the CAP were intended to reflect the declining volumes of Canadian crude oil exports and the varying success of Northern Tier refineries in obtaining non-Canadian crude supplies, as well as to simplify the administration of the program and reduce the industry reporting requirements. A public hearing on these proposed amendments to the CAP was held on January 25, 1979, in Chicago, Illinois.

Since the commencement of this rulemaking proceeding, several events have occurred which have persuaded us not to issue a final rule at this time. First, as a result of the prolonged

interruption of Iranian crude oil exports in the first quarter of this year, many domestic refiners have faced significant shortfalls in their crude oil supplies. Second, prices for imported crude oil have escalated rapidly in the last six months. As a result of the crude oil shortages and escalating crude oil prices, shortages of middle distillates and motor gasoline have existed in the nation since the beginning of the year.

In view of these events, and in consideration of the comments received in this proceeding, we believe that any change to the CAP at this time may exacerbate the already fragile supply and demand balance for crude oil and petroleum products in the Northern Tier. Accordingly, we have decided to defer issuing a final rule amending the CAP at least until early 1980 in order to provide continuity and stability in the Northern Tier during the present tight world crude supply situation.

FOR FURTHER INFORMATION CONTACT:

John W. Glynn (Regulations and Emergency Planning), Economic Regulatory Administration, Room 8202K, 2000 M Street, N.W., Washington, D.C. 20461 (202) 632-9290.

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

David J. Bardin,

Administrator, Economic Regulatory Administration.

[FR Doc. 79-25254 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 79-SO-50]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting points; Proposed Designation of Transition Area, Jupiter, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: A Special Instrument Approach Procedure has been developed for the private use United Technologies Airport located near Jupiter, Florida, and additional controlled airspace is necessary for containment of Instrument Flight Rules (IFR) operations. This proposed rule will lower the base of controlled airspace in the vicinity of the United Technologies Airport from 1200 to 700 feet above ground.

DATES: Comments must be received on or before: September 24, 1979.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before September 24, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the Jupiter Transition area. This action will provide necessary controlled airspace to accommodate aircraft performing IFR operations at the United Technologies Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (44 FR 442), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

Jupiter, Florida

—That airspace extending upward from 700 feet above the surface within a 8.5-mile radius of the United Technologies Airport (Latitude 26°54'28" N; Longitude 80°19'38" W).

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Georgia, on August 3, 1979.

J. E. Purcell,

Acting Director, Southern Region.

[FR Doc. 79-25028 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-GL-45]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule-making.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Huntingburg, Indiana to accommodate several revised instrument approach procedures into the Huntingburg Municipal Airport, Huntingburg, Indiana. The procedures are being revised because of a new terminal very high frequency omnidirectional radio aid (TVOR) installed on the airport. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before September 14, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-45, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one mile south and two miles east and west of that now depicted. The development of revised procedures necessitates the FAA to alter the designated airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitudes for these procedures may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-45, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before September 14, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public

Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Huntingburg, Indiana. Subpart G of Part 71 was published in the *Federal Register* on January 2, 1979 (44 F.R. 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In Section 71.181 (44 F.R. 442) the following transition area is amended to read:

Huntingburg, Ind.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Huntingburg Airport (latitude 38°15'00"N., longitude 86°57'00"W.); and within 3 miles either side of a 091° bearing from the Huntingburg Airport extending from the 6.5-mile radius to 9 miles E of the airport; and within 3 miles either side of a 271° bearing from the Huntingburg Airport extending from the 6.5-mile radius to 9 miles W of the Airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61).)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-45, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois, on July 30, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-25029 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 73]

[Airspace Docket No. 78-SO-80]

Alteration of Restricted Areas; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: In a Notice of Proposed Rulemaking (NPRM) published in the *Federal Register* of July 23, 1979, Vol. 44, page 43003, under "The Proposed Amendment" on page 43004 the last coordinate in the description of R-5314, Subarea J, which reads "Lat. 35°54'50" N., Long. 76°33'10" W.," should have been "Lat. 35°53'50" N., Long. 76°33'10" W.,". This section corrects the proposed amendment.

EFFECTIVE DATE: August 16, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION: Federal Register Document 79-22675 was published on July 23, 1979, (44 FR 43003) and proposed to extend Restricted Area R-5314] northward to contain the turning radius and run in tracks of high performance military aircraft using targets within the area. The action herein corrects the typographical error in the last coordinate of the definition of R-5314].

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Federal Register Document 79-22675 as published in the *Federal Register* on July 23, 1979, starting on page 43003 is amended in the center column of page 43004 by deleting the last coordinate in the description of the boundary of R-5314, Subarea J "Lat. 35°54'50" N., Long. 76°33'10" W.;" and substituting "Lat. 35°53'50" N., Long. 76°33'10" W.;" therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec.

6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on August 9, 1979.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-25298 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240 and 249]

[Release No. 34-16080; File No. S7-794]

Annual Assessments for Nonmember Broker-Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Securities and Exchange Commission today is publishing for comment: (1) A proposed rule amendment providing that annual assessments for nonmember broker-dealers be comparable to assessments imposed upon members of a registered national securities association; and (2) A proposed information and assessment form for nonmember broker-dealers establishing annual assessments for the current fiscal year.

This proposal is being made pursuant to the Commission's authority under Section 15(b)(8) of the Securities Exchange Act of 1934 to levy fees to defray costs of its SECO regulatory program.

DATES: Comments must be received by September 7, 1979.

ADDRESSES: All comments should refer to File No. S7-794 and be sent in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of all written submissions will be made available for public inspection at the Commission's Public Reference Room,

Room 6101, 1100 L Street, N.W.,
Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Janet R. Zimmer, Branch Chief, Division
of Market Regulation, Securities and
Exchange Commission, 500 North
Capitol Street, Washington, D.C. 20549,
(202) 755-7718.

SUPPLEMENTARY INFORMATION: Section
15(b)(8) of the Securities Exchange Act
of 1934 (the "Act") [15 U.S.C. 78a *et seq.*,
as amended by Pub. L. No. 94-29 (June 4,
1975)]¹ authorizes the Commission, by
rule, to establish and levy such
reasonable fees and charges as may be
necessary to defray the costs of
additional regulatory duties required to
be performed with respect to registered
broker-dealers who are not members of
a registered national securities
association ("nonmember broker-
dealers" or "SECO broker-dealers") and
their associated persons.²

Pursuant to that Section, the
Commission adopted Securities
Exchange Act Rule 15b9-2 [17 CFR
240.15b9-2] which, among other things,
requires SECO broker-dealers, on or
before September 1 of each year, to file
a Form SECO-4 (the "Form") [17 CFR
249.504 *et seq.*] for the particular year
and to pay the total annual assessment
prescribed by the Form. This release
invites comment on a proposed
amendment to Rule 15b9-2 to provide
that the rates or levels of annual
assessments imposed by the
Commission upon SECO broker-dealers
be the same as corresponding
assessments imposed by the National
Association of Securities Dealers, Inc.
(the "NASD")³ upon its members,
unless the Commission determined
otherwise for a particular fiscal year.
This release also invites comment on
proposed Form SECO-4-79 [17 CFR
249.504n] which would set SECO
assessments for the 1979 fiscal year at
the same levels as corresponding NASD
assessments for that period.

Discussion of the Proposals

*A. Proposed Amendment to Rule
15b9-2.* Annual assessments imposed
upon SECO broker-dealers are intended
to defray the Commission's cost of
administering its SECO program during
the preceding fiscal year. Thus, the
assessment due on September 1, 1979, is

¹ 15 U.S.C. 78o(b)(8).

² A nonmember broker or dealer who is a member
of a national securities exchange may, under limited
circumstances, be exempt from this provision. See
Securities Exchange Act Rules 15b9-1(e) and 15b9-
2(e)(3); 17 CFR 240.15b9-1(e) and 17 CFR 240.15b9-
2(e)(3).

³ The NASD is the sole national securities
association registered pursuant to Section 15A of
the Act, 15 U.S.C. 78o-3.

to cover the costs of regulating SECO
broker-dealers for fiscal year 1979
(October 1, 1978-September 30, 1979).

Since fiscal year 1976, the levels or
rates of annual SECO assessments have
been the same as corresponding
assessments levied by the NASD on its
members. These assessments have
consisted of three parts: (1) a flat fee
assessment, (2) a "head tax" on each
associated person engaging in securities
activities on behalf of the broker-dealer,
and (3) a variable assessment based on
the broker-dealer's gross income during
the preceding calendar year.

(Over the past three years, it has been
the Commission's experience that
maintaining annual SECO assessments
at rates or levels comparable to those
imposed by the NASD has generated
revenues which have reasonably
approximated expenditures incident to
the administration of the SECO program.
Based on this past experience, the
Commission expects assessments
comparable to the NASD's to continue
to defray the costs of SECO regulation.)
The Commission, therefore, proposes to
amend Rule 15b9-2: (a) To make explicit
the three components of the annual
SECO assessment, and (b) To specify
that, unless the Commission decides
otherwise for a particular year, the rates
or levels of SECO assessments will be
the same as corresponding assessments
imposed by the NASD on its members
for the specified fiscal year.

The legislative history of the
Securities Acts Amendments of 1964
(the "1964 Amendments"),⁴ which
directed the Commission to establish the
SECO program, supports this result.
That history indicates that the
regulation of nonmember broker-dealers
(including any assessments or fees
imposed upon such broker-dealers) was
designed to be comparable to that
imposed by registered national
securities associations upon their
members.⁵ More specifically, the
legislative history suggests that the
assessments to be levied upon SECO
broker-dealers were intended to
correspond generally with the fees or
assessments levied by registered
national securities associations upon
their members.⁶

⁴ Pub. L. No. 88-467 (August 20, 1964).

⁵ H. Rep. No. 1418, 88th Cong. 2nd Sess. 12 (1964).
See also *Statement of Policy of the Director of the
Division of Trading and Markets Regarding the
Comparability of NASD and SECO Regulation* at 1,
Securities Exchange Act Release No. 9420
(December 20, 1971).

⁶ The following colloquy in the House debates on
the 1964 Amendments illustrates this point:

Mr. Curtin. And if the Chairman will yield further,
and further on that same subject, was it not
intended by the committee that the fees and charges
to be prescribed by the Securities and Exchange

There are, of course, certain
differences in revenues and
expenditures between the NASD's
regulatory program and the
Commission's SECO program. For
example, the NASD provides certain
services to its members such as
arbitration facilities and promotional
materials on the over-the-counter
market. On the other hand, the NASD
also receives the benefits of fines paid
by members in disciplinary proceedings,
as well as the benefit of time and
services donated to the Association by
its members.⁷ The Commission believes
that such factors largely balance each
other and that, as long as regulation of
SECO and NASD-member broker-
dealers remains approximately
comparable, a close alignment of fees
and assessments is reasonable.

The Commission, of course,
recognizes the statutory mandate that
SECO fees and assessments be
reasonable and that they be used to
defray the costs of administering the
SECO program. The Commission,
therefore, realizes that circumstances
may at times require fees and
assessments which differ from those
established by the NASD. For this
reason, the proposed amendment to
Securities Exchange Act Rule 15b9-2
would permit the Commission, in any
given year, to establish assessments
which differ from the NASD's without
amending the rule. To determine
whether the rates of SECO assessments
bear a reasonable correlation to the
additional costs incurred by the
Commission in administering the SECO
regulatory program, the Commission will
periodically collect and analyze cost
data on the program. A periodic cost
analysis will not necessarily precede
each annual assessment by the
Commission of SECO fees. However,
where such a cost analysis discloses a
significant variance between the fees
collected and costs incurred in

Commission under paragraphs 8 and 9 of section
15(b), as amended, should not be significantly
greater than those assessed by such a securities
association by its members.

Mr. Harris. This is correct. That was the feeling of
the committee and that is our intention.

Mr. Curtin. If the gentleman will yield further, in
other words, was it the intention of the committee
that a broker or dealer would be treated alike
whether in his discretion he decided to go into the
securities association or be regulated by the SEC?

Mr. Harris. The gentleman is correct; that is true.
110 Cong. Rec. 17920 (1964). Representative Harris
was the Chairman of the Committee which
developed the concept of SECO regulation and the
floor manager of the bill.

⁷ For a discussion of the Commission's and
NASD's relative expenses and revenues in this
context, see Phillips and Shipman, *An Analysis of
the Securities Acts Amendments of 1964*, 1964 Duke
L. J., 706, 823 n. 415 (1964).

administering the SECO program, the Commission may invoke its authority under the proposed amendment to Rule 15b9-2 to adjust the rate or level of SECO assessments in a succeeding year.

The Commission contemplates that, if it decides to establish fees and assessments at the same rates or levels as those imposed by the NASD, it will utilize the summary rulemaking procedures specified in Section 4 of the Administrative Procedure Act [5 U.S.C. 553] to adopt the Form SECO-4 for the particular fiscal year. On the other hand, if the Commission, in any given year, decides to establish annual SECO fees and assessments which differ from corresponding NASD assessments, the Commission contemplates using the current procedure of publishing the applicable Form SECO-4 and specified fees for comment before taking any final action to adopt them.

B. Proposed Form SECO-4-79. This release invites comment on proposed Form SECO-4-79 (17 CFR 249.504m) which specifies the annual assessments payable to the Commission by nonmember broker-dealers for fiscal year 1979. For the reasons discussed above, the Commission believes that annual assessments comparable to corresponding NASD assessments are reasonable to defray the costs of SECO regulation. The SECO assessments proposed for fiscal year 1979, therefore, are set at the same levels as the NASD's, which reflect an increase in the gross income assessment, from 0.17% to 0.19% for municipal securities transactions and from 0.21% to 0.23% for other over-the-counter transactions. The proposed Form, which is set forth below, includes special instructions for computing and reporting gross income for assessment purposes.

Normally, Rule 15b9-2 requires that nonmember broker-dealers must file a Form SECO-4 for the particular year and pay the assessments specified therein by September 1 of each year. This year, however, the Commission proposes to extend the deadline until October 31, 1979 (so that the proposed amendments to Rule 15b9-2 and the assessment schedule proposed in Form SECO-4-79 may receive adequate consideration before broker-dealers file the Form or pay the assessments).

Text of the Proposals

1. 17 CFR Part 240 is proposed to be amended by revising paragraph (b) of § 240.15b9-2 to read as follows:

§ 240.15b9-2 Annual assessment for registered brokers and dealers not members of a registered securities association.

(b)(1) *Assessments.* On or before September 1 of each year, every broker or dealer to whom this rule applies shall file the Form SECO-4 provided for the particular fiscal year and pay the total assessments prescribed by the form. Such assessments shall include: (i) A flat fee basic assessment applicable to all brokers or dealers, (ii) A gross income assessment applicable to all brokers or dealers based upon the broker or dealer's gross income during the preceding calendar year, and (iii) An assessment for each associated person engaged, directly or indirectly, in securities activities for or on behalf of the broker or dealer prior to August 15 during the fiscal year, at any time in which the broker or dealer was a nonmember broker or dealer: *Provided, however,* that the assessment shall not be paid for any person who confines his securities activities to areas outside the United States, its territories and possessions, and who does not deal with or act for any U.S. resident or national wherever located.

(2) *Levels or Rates of Assessments.* The levels or rates of assessment shall be the same as the corresponding assessments imposed by the National Association of Securities Dealers, Inc. upon its members during that fiscal year, unless the Commission prescribes different rates or levels of assessment in the Form SECO-4 for that fiscal year.

2. 17 CFR Part 249 is proposed to be amended by adding a new § 249.504m to read as follows:

§ 249.504m Form SECO-4-79, assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed on or before October 31, 1979, pursuant to § 240.15b9-2 of this chapter, accompanied by the annual assessment fee required thereunder and as specified in this form, for the fiscal year ended September 30, 1979, by every registered broker and dealer not a member of a registered national securities association.

BILLING CODE 8010-01-M

FORM SECO-4-79
To Be Filed On or Before October 31, 1979

U.S. SECURITIES AND EXCHANGE COMMISSION
Washington, D. C. 20549

This Box For SEC Use Only
PAYMENT RECEIVED
Date
Receipt No.
Bank No.
Check No.
Date of Check

1979 ASSESSMENT AND INFORMATION FORM
FOR REGISTERED BROKERS AND DEALERS NOT MEMBERS
OF A REGISTERED SECURITIES ASSOCIATION

(submit original and three copies) (see instructions on reverse side of form)

1. Name of Broker or Dealer (If an individual, give last, first, middle name):
2. IRS Employer Ident. No.:
3. Address of Principal Place of Business: NO. AND STREET CITY STATE ZIP CODE
4. SEC File No.:

5. Assessment to defray costs of regulation pursuant to Section 15(b)(6) of the Securities Exchange Act for the fiscal year ending September 30, 1979.
(a) Basic assessment of \$250 (or 125*)
(b) Plus assessments for associated persons, including sole proprietors, partners and corporate officers, engaged directly or indirectly in securities activities during the fiscal year at any time in which the broker or dealer was a nonmember broker or dealer:
Number of persons @ \$5 (\$2.50*) each Amount \$
(c) Gross Income Assessment - (see instruction 7 on reverse side)
1) Gross securities income (except municipals) - 1978 @.23%
2) Gross municipal securities income - 1978 @.19% Amount \$
* See instruction 2 on reverse side TOTAL ASSESSMENT TO BE PAID [(a)+(b)+(c)] \$

6. Membership of Broker or Dealer in United States and Foreign Securities Exchanges (List regular memberships only)
If an exchange member, do you claim exemption from the fee provisions of Rule 15b-2(e)(1) and (2) YES -- NO

7. Principal Type of Securities Business Engaged in by Broker or Dealer (Check ONE):
Exchange member primarily engaged in exchange commission business
Exchange member primarily engaged in floor activities
Broker or dealer in general securities business
Mutual fund underwriter
Mutual fund distributor
Broker or dealer selling variable annuity contracts
Solicitor of savings and loan accounts
Real estate syndicator and mortgage broker and banker
Real estate condominium interests
Limited partnership interests
Broker or dealer selling oil and gas interests
Put and call broker or dealer or option writer (non-exchange options)
Broker or dealer selling securities of only one issuer or associated issuers (other than mutual funds)
Broker or dealer selling church securities
Government bond dealer (other than municipal)
Broker or dealer in municipal bonds
Broker or dealer in other securities business (Specify)
No securities business (Specify your type of business)

TABLE A

Table with 2 columns: Amt. of 1978 Gross Income (\$ THOUSANDS) and Amt. of 1978 Gross Income (\$ THOUSANDS). Rows include: 1. Underwriting and trading activities, 2. Agency transactions, 3. Private placements, 4. Sales of mutual funds, 5. Underwriting or sponsoring of investment company securities, 6. Sales of variable contracts, 7. Underwriting or sponsoring of variable contracts, 8. Transactions in securities of non-profit organizations, 9. Distribution of tax sheltered investments, 10. Writing, endorsing and selling options, 11. Mergers and acquisitions, 12. Gross income and fees from other investment banking services, 13. Other over-the-counter transactions, 14. Municipal securities gross income, 15. Total 1(c) through 14.

Dated the ___ day of ___, 19__
(Manual signature of duly authorized principal officer, general partner, sole proprietor or managing agent)
(Name of corporation, partnership, sole proprietorship or other organization)
(Title)

FORM SECO-4-79 INSTRUCTIONS

1. Brokers or dealers registered with the Commission as of August 15, 1979, who were nonmember brokers or dealers for at least 45 days immediately prior to that date or who were nonmember brokers or dealers for at least 90 days during the period beginning Oct. 1, 1978, and ending August 15, 1979, shall, on or before October 31, 1979, file Form SECO-4-79 and pay to the Commission a fee pursuant to Section 15(b)(8) of the Securities Exchange Act of 1934 [the "Act"] to defray certain costs of regulation for the fiscal year ending September 30, 1979. The term "nonmember broker or dealer" is defined in paragraph (f)(2) of Rule 15b9-2.
2. Rule 15b9-2 provides that brokers or dealers who were nonmember brokers or dealers for less than 180 days during the period beginning Oct. 1, 1978 and ending August 15, 1979 shall pay one-half the fees otherwise payable pursuant to Section 15(b)(8) for the fiscal year 1979.
3. Checks should be made payable to the "Securities and Exchange Commission" and mailed to the Office of the Comptroller, Securities and Exchange Commission, Washington, D.C. 20549.
4. If the space provided for any answer is insufficient, the complete answer should be prepared on a separate sheet which should be attached to the form and identified as "Answer to Item _____."
5. Failure to include or file information required to be reported or the making of any false statements may result in the institution of administrative or civil proceedings. Moreover, intentional misstatements or omissions of material facts constitute federal criminal violations punishable by up to five years imprisonment and fines up to \$10,000 for each offense. (See 18 U.S.C. 1001 and Section 32(a) of the Act.)
6. Willful nonpayment of fees prescribed by the Commission pursuant to its authority under Section 15(b)(8) may result in the institution of disciplinary proceedings under Sections 15(b)(4) and 15(b)(5) of the Act.
7. Each SECO broker-dealer subject to Rule 15b9-2 is to report gross income from over-the-counter transactions in corporate, state, municipal and other securities for the preceding calendar year. Please refer to Table A or your firm's FOCUS REPORT (4th Quarter) for 1977 for assistance in computing such gross income. Gross income includes profits, commissions, surcharges, concessions, fees, allowances, discounts and reimbursements for expenses before the deduction of any expenses other than any commissions, concessions or other allowances paid to another member in connection with the execution or clearance of any transactions. Gross income does not include interest and dividends, transaction fees, commissions derived from transactions executed on a national securities exchange or a foreign securities exchange and fees received solely for investment advisory services. Also excluded are profits and losses derived from (1) transactions in which both the purchase and sale are executed outside the territorial limits of the United States, (2) transactions in exempted securities as defined in Section 3(a)(12) of the Act, (3) transactions in commercial bank time certificates of deposit and commercial paper, which is defined to include drafts, bills of exchange, and bankers acceptances having maturities at the time of issuance of not exceeding one year, and (4) transactions in securities which are clearly identified by the firm to be held specifically for investment purposes as described in Section 1236 of the Internal Revenue Code.

Statutory Authority for Proposals

The Securities and Exchange Commission hereby proposes Form SECO-4-79 and the amendment to Securities Exchange Act Rule 15b9-2 pursuant to its authority, under the Securities Exchange Act of 1934, particularly Sections 15(b)(7), 15(b)(8) and 23(a) thereof.

By the Commission.

August 3, 1979.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 79-24894 Filed 8-15-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY**Internal Revenue Service**

[26 CFR Part 53]

[EE-162-78]

Taxes on Excess Business Holdings; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains modifications to proposed regulations, published in the *Federal Register* for May 22, 1979 (44 FR 29680), relating to taxes on the excess business holdings of private foundations. These modifications to the proposed regulations have been prepared because concern has been expressed about the effect of the proposed regulations on what is said to be normal expansion of business corporations in which a foundation has a "grandfathered" holding. These modifications change the effective date of several provisions of the proposed regulations from June 21, 1979, to the later of December 31, 1979, or the 90th day after the publication of the final regulations.

DATES: A public hearing on the notice of proposed rulemaking published May 22, 1979, has been scheduled for September 6, 1979. A notice of the public hearing was published in the *Federal Register* on July 24, 1979. (44 FR 43292). Outlines of oral comments for the public hearing must be delivered or mailed by August 22, 1979. Written comments on the modifications set forth in this notice must be delivered or mailed by 60 days

ADDRESS: Send comments to: Commissioner of Internal Revenue, Attention: CC:LR:T (EE-162-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Ellen A. Hennessy of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111

Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3430) (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Background**

This document contains modifications to proposed regulations under section 4943(c) (4), (6) and (d)(1) of the Internal Revenue Code of 1954. Section 4943 was added by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 507). The amendments are to be issued under the authority contained in sections 4943(c)(4)(A)(iv) and 7805 of the Internal Revenue Code of 1954 (83 Stat. 507, 68A Stat. 917; 26 U.S.C. 4943(c)(4)(A)(iv) and 7805).

Issues Reserved in Prior Treasury Decision

On January 3, 1973, proposed regulations under section 4943 were published in the *Federal Register* (38 FR 32). On July 6, 1977, T.D. 7496 was published in the *Federal Register* (42 FR 34499), adopting final regulations under section 4943. The full text of the final regulations was published in the *Federal Register* on September 15, 1977 (42 FR 46285). However, several matters covered in the 1973 proposed regulations were reserved. These matters related to: the application of the transitional rules in section 4943(c)(4) to holdings in business enterprises that are involved in certain reorganizations; the definition of a purchase for purposes of the five-year period provided in section 4943(c)(6) to dispose of excess business holdings; and the application of the constructive ownership rules in section 4943(d)(1) to corporations engaged in the active conduct of a trade of business. The notice of proposed rulemaking published on May 22, 1979 (44 FR 29680) contained proposed regulations dealing with these matters.

Transitional Rules

Proposed § 53.4943-11 (c) through (f) as set forth in the notice published May 22, 1979, contains transitional rules for various transactions prior to June 21, 1979. These rules generally cover situations in which proposed regulations contained in that notice differ from regulations formerly proposed in 1973. A public hearing has been scheduled for September 6, 1979, to consider comments as to whether the final regulations should embody the rules of the 1973 notice, the 1979 notice or an intermediate position. Therefore, the proposed transitional rules are being extended by this notice to cover transactions which occur before the

later of December 31, 1979, or 90 days after publication of the final regulations.

Interested parties who note additional situations in which the 1979 proposed regulations differ from the 1973 proposed regulations are requested to indicate any additional transitional rules necessary to ensure that foundations are not unfairly subject to excess business tax liability for transactions which occur before the expiration of the transitional period. Consideration will also be given to additional rules needed to protect transactions in progress at the time of the Treasury decision. Any person suggesting an additional transitional rule should give examples of situations in which the suggested rule would apply and should also indicate why the proposed regulations would be unfair to the foundation involved without such a transitional rule.

Comments and Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. As indicated above, a public hearing has already been scheduled on the proposed regulations published May 22, 1979. Anyone wishing to comment on these modifications may do so at that hearing.

Drafting Information

The principal author of this regulation is Ellen A. Hennessy of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

Accordingly, the notice of proposed rulemaking published in the *Federal Register* for May 22, 1979 (44 FR 29680) is modified as follows:

1. Paragraph (e) of § 53.4943-8, as set forth in paragraph 3 of the notice of proposed rulemaking published in the *Federal Register* for May 22, 1979 (44 FR 29689) is modified by striking out "June 21, 1979" and inserting in lieu thereof "the later of December 31, 1979, or the 90th day after publication of this section in the *Federal Register* as a Treasury decision".

2. Paragraphs (c), (d), (e)(1) and (f) of § 53.4943-11, as set forth in paragraph 5

of the notice of proposed rulemaking published in the Federal Register for May 22, 1979 (44 FR 29691) are modified by striking out "June 21, 1979," wherever it appears and inserting in lieu thereof "the later of December 31, 1979, or the 90th day after publication of this section in the Federal Register as a Treasury decision".

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 79-25388 Filed 8-15-79; 8:45 am]

BILLING CODE 4830-01-M

POSTAL SERVICE

[39 CFR Part 111]

Enclosures in Controlled Circulation Publications

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would amend postal regulations to allow certain enclosures in publication that are mailed at the controlled circulation postage rates. Existing regulations prohibit enclosures of any kind in controlled circulation publications, but not in second-class publications. This change would simplify the mail classification structure by allowing the same enclosures in both publications.

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

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza, West, S.W., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Office of Mail Classification, Room 1610, L'Enfant Plaza, West, S.W., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Young, (202) 245-4661.

SUPPLEMENTARY INFORMATION: Postal regulations presently prohibit the mailing of enclosures at the controlled circulation postage rate. Postage at the appropriate first- or third-class mail rate must be paid on each enclosure contained in a controlled circulation publication. Mailers have requested that these regulations be amended to permit receipts and orders for subscriptions to be enclosed in controlled circulation publications and to be mailed at the controlled circulation rate. The Postal Service believes this request is

reasonable and is proposing this change for that reason and because it will simplify the mail classification structure by allowing the same enclosures in both second-class and controlled circulation publications.

Accordingly, although exempt from the requirements of the Administration Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Domestic Mail Manual.

Chapter 5—Controlled Circulation Mail

Amend 523, Domestic Mail Manual, to read as follows:

523 What may be mailed

Only material which is an integral part of an authorized controlled circulation publication (See 523.1) may be mailed at controlled circulation rates. Provisions for combination mailings of controlled circulation publications with other classes of mail are contained in 136.31. Supplements, parts, sections, etc., are not prohibited, providing they are, in fact, integral parts of the publication. Although not required, the following are indicators (but not conclusive evidence) that material is an integral part of a publication:

- Inclusion in the publication's pagination;
- Listing material in a List of Advertisers;
- Listing in a table of contents; or
- Indication, in the primary part of the publication, that specific material is included as parts, sections, or supplements.

Note.—Printing "Supplement to . . ." on material is not, by itself, sufficient to establish it as an integral part of a publication.

523.1 Enclosures

The only enclosures permitted in Controlled Circulation publications are receipts and orders for subscriptions. These may either be inserted loose or bound in the publication. Preparation methods include, but are not limited to:

- Printed or written;
- Printed on cards and envelopes including business replies;
- Arranged to include coin receptacles; or
- Arranged as combination forms for two or more controlled circulation publications issued by the same publisher.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposals are adopted.

(39 U.S.C. 401(2), 403.)

W. Allen Sanders,

Acting Deputy General Counsel.

[FR Doc. 79-25280 Filed 8-15-79; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 50]

[FRL 1299-1]

Approval and Promulgation of Implementation Plans; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: On June 12, 1979, the U.S. Environmental Protection Agency proposed rules revising the sulfur dioxide emission limitations for the Cleveland Electric Illuminating Company's Avon Lake and East Lake power plants in Ohio (44 FR 33711). In response to several requests for an extension of time for the filing of comments, the comment period is extended to October 12, 1979.

DATES: Comments must be received on or before October 12, 1979.

ADDRESSES: Comments should be submitted to Steve Rothblatt, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Costello, Paralegal, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604, (312) 886-6048.

Dated: September 10, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-25386 Filed 8-15-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1298-2]

Implementation Plan Revisions for Nonattainment Areas in the State of California; Receipt/Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt and Availability.

SUMMARY: The purpose of this notice is to announce receipt of revisions to the California State Implementation Plan (SIP) and to invite public comment. Nonattainment Area Plans for the South Coast and San Francisco Bay Area Air Basins have been received from the California Air Resources Board. These revisions were submitted to EPA in accordance with the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for

Nonattainment Areas," and are available for public inspection at the addresses below. A notice of proposed rulemaking discussing these revisions 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 inspection during normal business hours at the following locations:

- Library, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.
- Public Information Reference Unit, Environmental Protection Agency, 401 "M" Street, S.W., Room 2922, Washington, D.C. 20460.
- California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95814.
- Association of Bay Area Governments, Hotel Claremont, Berkeley, CA 94705.
- South Coast Air Quality Management District, 9150 East Flair Drive, El Monte, CA 91731.
- Southern California Association of Governments, 600 South Commonwealth Avenue, Suite 1000, Los Angeles, CA 90005.

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, Pub. L. 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) and March 19, 1979 (44 FR 16388). State and local governments were required by January 1, 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 South Coast Air Basin (which includes Orange County and portions of Los Angeles, Riverside, and San Bernardino Counties) has been designated nonattainment for carbon monoxide, photochemical oxidants (ozone), nitrogen dioxide, and total suspended particulates.

The San Francisco Bay Area Air Basin (which includes Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo,

and Santa Clara Counties, and portions of Sonoma and Solano Counties) has been designated nonattainment for carbon monoxide and photochemical oxidants (ozone). For total suspended particulates, Alameda County has been designated nonattainment for the primary standard; Contra Costa and San Francisco Counties have been designated nonattainment for the secondary standard.

The Governor's designee submitted to EPA the nonattainment area plans for the South Coast and San Francisco Bay Area Air Basins on July 25, 1979.

EPA is reviewing these revisions for conformance with the requirements of Part D of the Clean Air Act, as amended. Following review of the revisions, 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 these revisions have been formally submitted to EPA for approval, that they are available for public inspection, and that interested persons are encouraged to submit written comments.

(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: August 10, 1979.

Sheila M. Prindiville,
Acting Regional Administrator.

[FR Doc. 79-25390 Filed 8-15-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

[FRL 1297-8]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements: Proposed Approval of an Administrative Order Issued by the West Virginia Air Pollution Control Commission to Consolidation Coal Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA proposes approval of an administrative order issued by the West Virginia Air Pollution Control Commission to Consolidation Coal Company. The order requires the company to bring air emissions from its coal preparation in Harrison County,

West Virginia into compliance with certain regulations contained in the federally approved West Virginia State Implementation Plan (SIP) by June 30, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before September 17, 1979.

ADDRESS: Comments should be submitted to Director, Enforcement Division, EPA, Region III, Sixth and Walnut Street, Philadelphia, Pennsylvania 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Patrick M. McManus, Air Enforcement Branch, 3EN12, Enforcement Division, U.S. EPA—Region III, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone (215) 597-9893.

SUPPLEMENTARY INFORMATION:

Consolidation Coal Company operates a coal preparation plant at its Williams mine near Enterprise, Harrison County, West Virginia. The order under consideration addresses emissions from the coal thermal dryers at the facility which are subject to Regulation V "To Prevent and Control Air Pollution from Operation of Coal Preparation Plants and Coal Handling Operations." The regulation limits the emissions of particulate matter, and is part of the federally approved West Virginia State Implementation Plan. The order requires final compliance with the regulation by June 30, 1979 through the installation of a venturi scrubber and mist eliminator.

The order also contains a force majeure clause that permits the West Virginia Air Pollution Control Commission to consider extensions of the compliance program because of labor stoppages or other events that may delay compliance that are not controlled by the company. It should be

pointed out here that Section 113(d)(1)(D) of the Clean Air Act requires that the order provides for final compliance in no case later than July 1, 1979. Therefore, any extension of the final compliance date beyond July 1, 1979 by the West Virginia Air Pollution Control Commission cannot be federally approved. In the event that final compliance is not achieved on or before July 1, 1979 then EPA, notwithstanding any action by the Commission not approved as part of the State Implementation Plan, may proceed to enforce compliance with the plan as provided by Section 113(d)(9) of the Clean Air Act.

Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

The company has met all requirements of the schedule contained in the proposed order to date.

If the order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the West Virginia SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the *Federal Register* the Agency's final action on the order in 40 CFR Part 65.531.

(42 U.S.C. §§ 7413, 7601.)

Dated: August 8, 1979.

Jack J. Schramm,
Regional Administrator.

[FR Doc. 79-25389 Filed 8-15-79; 8:45 am]

BILLING CODE 6560-01-M

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1062]

[CSA Instructions 6302-2 and 6302-2,
Change 1]

Establishment and Eligibility of Community Action Programs

AGENCY: Community Services
Administration.

ACTION: Notice of intent to revise a rule.

SUMMARY: The Community Services Administration is undertaking a revision of its rule on CAAs: Eligibility and Establishment (CSA Instructions 6302-2 and 6302-2, Change 1/PART 1062, subparts A through I.) The purpose of the revision is to implement changes made in Sections 210(c) and 210(d) by the Economic Opportunity Amendments of 1978 and to update the rule to reflect new agency policy directions and what CSA, Community Action Agencies (CAAs), and local designating officials have learned of the strengths, weaknesses and gaps existing in the current rule through experience gained in operating under its provisions for the past eight years.

DATE: Submit comments, on or before
October 15, 1979.

ADDRESS: Please send all comments to:
Jacqueline G. Lemire, Community
Services Administration, Office of
Community Action, Policy Development
and Review Division, 1200-19th Street,
N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:
Jacqueline G. Lemire, Telephone: 202-
254-5047; teletypewriter: 202-254-6218.

SUPPLEMENTARY INFORMATION: Through this Notice we are requesting comments from organizations and officials who have been or would be affected by this rule as well as from the general public on any recommended changes or addition, or a description of any problems they have encountered which might be addressed in the revised rule. However, of particular interest to us are comments on the mechanics of revocation and designation within, of course, the limitations imposed by the legislation. For example, should there be separate hearings for a revocation followed by a new designation? How can we maximize citizen participation in this process? What would be the advantages and disadvantages of requiring that hearings be held in each of the target areas or in different sections of all the counties proposed to be covered by a CAA versus one hearing being held in a central location?

In addition, what criteria could CSA use to assure, at time of recognition, that the organization proposed to serve as the CAA not only can comply with the legal requirements of being a CAA but that it also can and will carry out activities that address the purposes (General Standards of Effectiveness) of Title II? Have any of the provisions of the current rule presented specific difficulties in implementation? If so, please describe them to us.

The amendment to Section 210(c) states in part that "The Director in determining whether a county or multicounty unit is eligible to be served by a community action agency under this title, shall not apply, as the sole criterion for eligibility, any requirement or restriction relating to the number of individuals residing in the county or multicounty unit if at least 20 per centum of the families and unrelated individuals residing in such unit have incomes below the poverty line * * *". Section 210(d) was amended to require that the director, in directly designating a CAA, will make her/his determination in accordance with previously published regulations. We are soliciting your suggestions regarding criteria which CSA may use in implementing these amendments.

Graciela (Grace) Olivarez,

Director.

[FR Doc. 79-25242 Filed 8-15-79; 8:45 am]

BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

[Docket No. 20828]

Second Computer Inquiry; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications
Commission.

ACTION: Extension of time (Second
Computer Inquiry).

SUMMARY: At 44 FR 39513, July 6, 1979, the Federal Communications Commission published a tentative decision and further notice of inquiry and rulemaking relating to the furnishing of computer processing services. Because of the complexity of the issues raised in this proceeding and their overall importance, the FCC has granted a request for extension of time for filing comments and reply comments in this proceeding.

DATES: Comments due on or before October 2, 1979. Reply comments due on or before November 2, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Russell Frisby, Common Carrier Bureau, 632-9342.

In the matter of amendment of § 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry); Order [44 FR 39513, July 6, 1979].

Adopted: August 9, 1979.

Released: August 10, 1979.

1. On August 6, 1979, GTE Service Corporation and its affiliated domestic telephone companies (GTE), and International Business Machines Corporation (IBM) filed a request with this Commission to have the time for filing comments on the *Tentative Decision and Further Notice of Inquiry and Rulemaking (Tentative Decision)* in this proceeding extended for all parties until October 2, 1979, and to have the time for filing reply comments extended to November 2, 1979, GTE and IBM state that the period of approximately 60 days currently allowed for the filing of initial comments is inadequate to permit the parties to give this proceeding the attention it deserves, particularly in view of the detailed comments sought on the various regulatory approaches set forth.

2. Because of the complexity of the issues raised in this proceeding and their overall importance, the request appears reasonable and in the public interest. We will grant the request for extension of time for the filing of comments and reply comments in this matter.

3. Accordingly, *it is ordered*, pursuant to § 0.291 of the Commission's Rules on delegation of authority, that the request for extension of time for all parties to file comments and reply comments on the *Tentative Decision* is granted. Comments shall be filed on or before October 2, 1979, and reply comments shall be filed on or before November 2, 1979.

Thomas J. Casey,

Acting Deputy Chief, Common Carrier Bureau.

[FR Doc. 79-25385 Filed 8-15-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 73]

[BC Docket No. 79-199; RM-3182]

FM Broadcast Station in Enid, Okla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Enid, Oklahoma, as that community's second FM assignment. Petitioner, Public Broadcasting Service, Inc., states that the proposed channel could provide a fourth local aural broadcast service to Enid.

DATES: Comments must be filed on or before October 5, 1979, and reply comments must be filed on or before October 25, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Enid, Oklahoma); BC Docket No. 79-199, RM-3182.

Adopted: August 6, 1979;

Released: August 13, 1979.

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making¹ was filed by Public Broadcasting Service, Inc. ("petitioner"), licensee of AM Station KGWA, Enid, Oklahoma, proposing the assignment of Channel 276A to Enid, Oklahoma, as its second FM assignment.

(b) The channel may be assigned to Enid provided the transmitter site is located approximately 6 kilometers (4 miles) northwest of the city. There were no responses to the proposal.

(c) Petitioner states it will file an application for the channel, if assigned.

2. *Community Data:* (a) *Location:* Enid, in Garfield County, is situated in northwest Oklahoma, approximately 113 kilometers (70 miles) northwest of Oklahoma City, and approximately 161 kilometers (100 miles) northwest of Tulsa, Oklahoma.

(b) *Population:* Enid—45,013; Garfield County—56,600.²

(c) *Local Aural Broadcast Service:* Enid is presently served by two full-time

AM stations (KGWA and KCRC), and a Class C FM station (KNID, Channel 245).

3. *Economic Considerations:* Petitioner asserts that Enid's population has increased from 38,859 in 1960 to 45,013 in 1970. According to the Enid Chamber of Commerce, the 1976 population reached 55,000. Petitioner notes that a number of manufacturing, industrial and agricultural concerns are located in Enid.

4. *Preclusion Study:* Petitioner's engineering study shows that preclusion would occur only on the co-channel since all six of the pertinent adjacent channels are precluded by existing FM assignments. The precluded area contains three Oklahoma communities of over 1,000 population (Fairview, pop. 2,894; Seiling, pop. 1,033; and Waynoka, pop. 1,444). None of these communities has a local broadcast facility. However, petitioner states that there are several FM channels which are available for assignment, if needed.

5. *Additional Considerations:* The proposed assignment would result in intermixing a Class A channel with a Class C channel. The Commission has a policy of avoiding such intermixture in the classes of FM channel assignments, but exceptions have been made when a Class C channel is unavailable and the petitioner is willing to apply for the Class A channel in spite of the intermixture situation. *Yakima, Washington*, 45 F.C.C. 2d 548, 550 (1973); *Key West, Florida*, 45 F.C.C. 142, 145 (1974). Since no Class C channel is available and petitioner is willing to apply and operate on Channel 276A at Enid, Oklahoma, this assignment could be made.

6. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Enid, Oklahoma, as follows:

City and Channel No.

Enid, Okla.; Present 245. Proposed 245, 276A.

7. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 5, 1979, and reply comments on or before October 25, 1979.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public

¹Public Notice of the petition was given on August 29, 1978, Report No. 1137.

²Population figures are taken from the 1970 U.S. Census.

should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission,
Richard J. Shiben,
Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g), and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notices of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 79-25370 Filed 8-15-79; 8:45 am]

BILLING CODE 5712-01-M

[47 CFR Part 73]

[BC Docket No. 79-198; RM-3215]

FM Broadcast Station in Paradise, California; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a second Class A FM channel to Paradise, California, in response to a petition filed by John C. Butler. The proposed assignment could be used to provide a second full-time aural broadcast service to a growing community.

DATES: Comments must be filed on or before October 5, 1979, and reply comments must be filed on or before October 25, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Paradise, California); BC Docket No. 79-198, RM-3215.

Adopted: August 6, 1979;

Released: August 10, 1979.

By Chief, Broadcast Bureau:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making¹ was filed on September 11, 1978, by John C. Butler ("petitioner"), proposing the assignment of Channel 224A to Paradise, California, as that community's second Class A FM assignment. There were no responses to the proposal.

(b) The channel can be assigned without affecting any existing FM assignments in the Table.

(c) Petitioner states that he intends to file an application for the channel, if assigned.

2. *Community Data:* (a) *Location:* Paradise, in Butte County, is located approximately 145 kilometers (90 miles) north of Sacramento, California.

(b) *Population:* Paradise—14,539; Butte County—101,969.²

(c) *Present Local Aural Broadcast Service:* Paradise is presently served by daytime-only AM Station KEWQ and FM Station KWVR (Channel 244A).

3. *Population and Economic Data:* Petitioner asserts that Paradise is the second largest city in Butte County. He states that the population of Paradise has increased 49.2% between 1970-1978.³ He claims that if population trends continue, Paradise will become the largest community in the county within a few years. Petitioner points out that the construction industry is the most important element in the local economy in Paradise. He notes that agriculture also continues to play a role.

4. Petitioner contends that the growth in the population of Paradise has brought new issues and problems for the community. He asserts that although there are two existing stations which provide local coverage, neither station programs local news on week-ends. He adds that the residents of Paradise could benefit by the additional news coverage that a second FM station could bring.

5. *Preclusion Study:* Preclusion would occur on Channels 221A and 224A, affecting nine communities with populations greater than 1,000 (Chico, pop. 19,580; Chico North, 6,656; Mulberry, 1,795; Anderson, 5,492;

¹ Public Notice of the petition was given on October 13, 1978, Report No. 1145.

² Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

³ According to the Butte County Planning Department.

Cottonwood, 1,288; Red Bluff, 7,676; Corning, 3,573; Orland, 2,884; and Willows, 4,085). Of the nine communities, Chico and Red Bluff have FM and AM stations. Anderson and Willows have FM assignments. Chico North, Mulberry, Cottonwood, Corning and Orland have no FM assignments or AM stations, but petitioner states that alternate FM channels are available for assignment to these communities should the need arise. Since alternate channels are available, preclusion is not an impediment to the proposed assignment.

6. Comments are invited on the proposal to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with regard to the community of Paradise, California, as follows:

City and Channel No.

Paradise, Calif.; Present, 244A. Proposed, 224A, 244A.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 5, 1979, and reply comments on or before October 25, 1979.

10. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission,
Richard J. Shiben,
Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the

Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments,

pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D. C.

[FR Doc. 79-25371 Filed 8-15-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 73]

[BC Docket No. 79-197; RM-3214]

FM Broadcast Station in Plainview, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission

ACTION: Notice of Proposed Rule Making

SUMMARY: Action taken herein proposes the assignment of a second Class C FM channel to Plainview, Texas. The proposed assignment could be used to provide first and second FM service to substantial areas and populations.

DATES: Comments must be filed on or before October 5, 1979, and reply comments must be filed on or before October 25, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Plainview, Texas): BC Docket No. 79-197, RM-3214.

Adopted: August 6, 1979;

Released: August 10, 1979.

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making¹ was filed on September 7, 1978, by Panhandle Broadcasting, Inc. ("petitioner"), licensee of AM Station KKYN, Plainview, Texas, proposing the assignment of FM Channel 294 to Plainview as its second Class C assignment. No responses to the proposal were received.

(b) The channel may be assigned without affecting any existing FM assignments, provided the transmitter site is located 16 kilometers (10 miles) south of Plainview.

(c) Petitioner states that it will apply for the channel, if assigned.

2. *Community Data:* (a) *Location:* Plainview, seat of Hale County, is

¹ Public Notice of the petition was given on October 13, 1978, Report No. 1145.

located in the Texas Panhandle, approximately 74 kilometers (46 miles) north of Lubbock and about 127 kilometers (79 miles) south of Amarillo, Texas.

(b) *Population*: Plainview—19,096; Hale County—34,137.²

(c) *Present Aural Broadcast Service*: Plainview presently receives local service from full-time AM Station KVOP, daytime-only AM Station KKYN, FM Station KPLA (Channel 247), and noncommercial educational Station KWLD (Channel 218).

3. *Economic Considerations*: Petitioner asserts that Plainview's population has increased 33% between 1970 and 1977. It states that Plainview is the center of a seven-county trade area and is one of the richest agricultural areas in the world. In order to demonstrate the need for an additional FM assignment in Plainview, petitioner has submitted economic and statistical information, prepared by the Plainview Chamber of Commerce, which documents the substantial growth of the community within the past few years.

4. *Preclusion Study*: Assignment of Channel 294 to Plainview would cause preclusion on Channels 292A, 293, 294, 295, 296A and 297. The use of Channel 291 is already precluded by existing assignments. Thirty-nine communities of over 1,000 persons are located in one or more of the newly precluded areas. Twenty-six of these communities have no local AM or FM service. Five³ communities having a population greater than 2,500 have no local aural service and would be precluded from a first FM assignment. Petitioner is requested to identify in its comments whether alternate channels are available for assignment to these five communities.

5. *Additional Considerations*: In its *Roanoke Rapids-Goldsboro, N.C.*, 9 F.C.C. 2d 672 (1967), showing, petitioner indicates that a station operating with 75 kW at 152 meters (500 feet) HAAT would provide a first FM service to 188 persons in an area of 261 square kilometers (101 square miles), and a second FM service to 31,539 persons in an area of 2,991 square kilometers (1,155 square miles). However, the petitioner has not indicated what portions of these areas and populations would receive first or second nighttime aural service. Petitioner should submit the necessary data concerning such service. (See *Anamosa-Iowa City, Iowa*, 46 F.C.C. 2d 520 (1974).)

² Population figures are taken from the 1970 U.S. Census.

³ Texas: Abernathy (pop. 2,625), Reese (2,545), Wellington (2,884), Quanah (3,948); Oklahoma: Hollis (3,150).

6. In view of the fact that the proposed assignment would provide a first and second FM (and possibly first and second aural) service to additional areas, we believe that consideration of the proposal is warranted. Accordingly, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with regard to the city listed below, as follows:

City and Channel No.

Plainview, Tex.; Present, 247. Proposed, 247, 294.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 5, 1979, and reply comments on or before October 25, 1979.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission,
Richard J. Shiben,
Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required*. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to

file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures*. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service*. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies*. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings*. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-25372 Filed 8-15-79; 8:45 am]

BILLING CODE 8712-01-M

Materials Transportation Bureau

[49 CFR Parts 127, 171, 172, 173, 174, 175, 176, and 177]

[Docket No. HM-169; Notice No. 79-1]

Requirements for Transportation of Radioactive Materials; Reopening of Comment Period

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Reopening of time to file comments.

SUMMARY: On January 8, 1979, the Materials Transportation Bureau (MTB) published a notice of proposed rulemaking under Docket HM-169 (44 FR 1852) pertaining to requirements for the transportation of radioactive materials. The changes were proposed to make them compatible with the latest revised international standards for transport of radioactive materials as promulgated by the International Atomic Energy Agency (IAEA). This notice reopens the comment period to coincide with a parallel proposal by the U.S. Nuclear Regulatory Commission (NRC), to amend Title 10, CFR Part 71, "Packaging of Radioactive Materials for Transport and Transportation of Radioactive Materials Under Certain Conditions." The NRC proposal is expected to be published in the *Federal Register* on August 17, 1979 and will provide a time to file comments until October 16, 1979.

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

ADDRESS: Comments should be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590, and it is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT: R. R. Rawl, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Research and Special Programs Administration, DOT, Washington, D.C. 20590, phone 202-426-2311.

SUPPLEMENTARY INFORMATION: A petitioner had requested an extension of time to comment on Docket HM-169, Notice 79-1 in order to evaluate these proposed rules in conjunction with those which are to be published by the NRC. This request was granted and by publication in the *Federal Register* on April 19, 1979 (44 FR 23286) the comment

period was extended from April 5, 1979 to July 5, 1979. However, due to unforeseen circumstances the NRC publication was further delayed. It now has been established that the NRC will publish its notice of proposed rulemaking on August 17, 1979. The MTB is reopening the comment period on its own notice of proposed rulemaking until October 16, 1979 to provide the general public with the opportunity to review and comment on the NRC and DOT proposals simultaneously.

(49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53; 49 CFR Part 1 App. A. and paragraph (a)(4) of App. A to Part 106.)

Issued in Washington, D.C. on August 10, 1979.

Douglas A. Crockett,

Acting Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-25238 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

Federal Motor Vehicle Safety Standards; Grant of Petitions for Rulemaking

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Grant of petitions for rulemaking.

SUMMARY: This notice announces the granting by the National Highway Traffic Safety Administration (NHTSA) of two petitions filed by the Rubber Manufacturers Association (RMA) to amend the loading schedules listed for several tire sizes in Appendix A of Federal Motor Vehicle Safety Standard (FMVSS) 109, *New Pneumatic Tires—Passenger Cars*. Appendix A of FMVSS 109 (49 CFR 571.109) consists of numerous tables listing tire sizes and tire constructions with proper load and inflation values. The tables group tires of related constructions and load/inflation values. If the requested amendments are made, the permissible load that could be placed on each of these tire sizes would be increased, allowing the use of these tire sizes on passenger cars which require greater load-carrying capacity than those on which the tires are presently used.

FOR FURTHER INFORMATION CONTACT: John Diehl, Office of Automotive

Ratings, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1715).

SUPPLEMENTARY INFORMATION: The loading schedules for the tire sizes shown in Appendix A of FMVSS 109 list the maximum load the tire can safely carry at certain specified cold inflation pressures. These schedules are derived from a mathematical formula, which factors in the inflation pressure of the tire, the cross sectional diameter of the tire, the diameter of the rim on which the tire is mounted, and a "K factor". The numerical value assigned to the K factor has been established on the basis of service experience with tires, and acts to hold the percentage of the tire deflection within acceptable limits. Tire deflection is the difference between the unloaded section height of the tire and its loaded section height. To ensure that the tire will be able to perform properly at a given load, the tire deflection should not exceed 16-18 percent. The K factor assigned to a given tire size depends on whether the tire is bias ply or radial and other design factors.

RMA petitioned this agency on December 11, 1978, for a change in the loading schedules of three P-type tire sizes, and filed another petition on February 15, 1979, requesting a change in the loading schedules of 12 P-type tire sizes.

The basis for both petitions is that the K factor used to calculate the loading schedules for these tire sizes has been revised to take into account the stronger cord materials and new polymers and chemicals that permit the P-type tires to run at a higher inflation pressure than other types of tires. RMA submitted data indicating that each of the tire sizes for which a new loading schedule was requested has passed the performance requirements of FMVSS 109 using the increased loads in the tests.

NHTSA has granted these petitions for rulemaking based on the data submitted showing that the tire sizes comply with the performance requirements of FMVSS 109 at the changed loads. By granting RMA's petitions, NHTSA is not committing itself to eventually adopting the proposed changes in the loading schedules. The agency will carefully examine the current loading schedules and the data submitted in support of the changed loading schedules to determine if a change would be appropriate, and, if NHTSA determines that a change would be appropriate, issue a notice of proposed rulemaking. This notice would request comments from interested members of the public on NHTSA's

proposal. These comments would be considered in the agency's determination of whether to issue a final rule, and, if so, what form the final rule should take.

(Sections 103, 119, and 202, Pub. L. 89-563, 80 Stat. 718 [15 U.S.C. 1392, 1407, and 1422]; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on August 8, 1979.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

[FR Doc. 79-25108 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register

Vol. 44, No. 160

Thursday, August 16, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Development of Mailing List for Prenotification of Significant AMS Actions

AGENCY: Agricultural Marketing Service.

ACTION: Notice of Opportunity for Placement on Mailing List.

SUMMARY: In administering its many programs, AMS attempts to assure full public participation in the Agency's decision-making process. In further support of this effort, AMS is inviting all interested persons or organizations who wish to receive advance notice of significant, non-emergency AMS actions to submit their names for placement on the Agency's mailing list. This notice identifies the various types of potentially significant actions taken by the Agency and describes procedures to be used by persons who wish to have their names added to the mailing list.

EFFECTIVE DATE: Requests may be submitted at any time.

FOR ADDITIONAL INFORMATION CONTACT: Dr. Harold S. Ricker, Room 3068, South, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone: (202) 447-8669.

SUPPLEMENTARY INFORMATION: Executive Order 12044 calls for measures to improve the Federal Government's rules and regulations. The Secretary of Agriculture's Memorandum 1955 applies these principles to all USDA decisions, and provides, in part, for increased public participation in its decision-making process. In its effort to assure the fullest public participation in its decision-making process, AMS will notify the public, through a "prenotice", when it is considering taking a significant, non-emergency action. Each prenotice will include:

1. a statement of the issues involved in, and those who will be affected by, the proposed action;

2. standards in the applicable act, rules or regulations against which actions are judged;

3. when formal hearings are not required, a statement explaining how interested parties may submit to the USDA suggested modifications of the proposed actions and/or additional proposals, as well as other comments;

4. when formal hearings are required, a statement explaining how interested parties may submit to the USDA suggested modifications of the announced proposals and/or additional proposals, any comments on whether a hearing should be held; and how parties may participate in the hearings.

As a matter of policy, the Department and AMS will provide a total public participation period of at least 60 days for all significant, non-emergency actions. And, when formal hearings are required on significant, non-emergency actions, there will be at least 30 days between the prenotice and notice of the hearing, and 60 days if practical. This will apply in some cases when formal hearings are not appropriate. Although a minimum time period will not apply in the case of any emergency action, the public will be given as much time for participation in the decision-making process as circumstances permit.

AMS Programs

AMS administers numerous, diverse programs designed to aid in the marketing of food and fiber from farm gate to consumer. These programs are designed to help the agricultural marketing system function efficiently and equitably for the producer, marketer, and consumer.

AMS programs cut across 33 different statutory authorities, and they can be divided into seven major categories:

1. Market news;

2. Inspection, grading and standardization services for cotton, wool, mohair, tobacco, livestock, seed and naval stores;

3. Maintenance of fair and competitive practices in livestock, meat and poultry marketing through the Packers and Stockyards Act;

4. Regulatory activities including the administration of the Federal Seed Act, Plant Variety Protection Act, Perishable

Agricultural Commodities Act, U.S. Warehouse Act, Export Apple and Pear Act, Export Grape and Plum Act;

5. Market supervision and assistance through enforcement of the Agricultural Fair Practices Act and oversight of the various commodity research and promotion acts;

6. Marketing agreements and orders; and

7. Federal-State marketing improvements grants.

Examples of AMS Actions Involving Prenotice

While the Agricultural Marketing Service initiates many actions under the programs it administers, a number of these actions are routine and have minimal impact on the public. However, some actions have greater impact and warrant increased public participation. The types of actions for which prenotice would be given include:

1. Actions to implement substantive new or amended legislative enactments;

2. New marketing orders;

3. Market order amendments which tend to affect price or quantity or which involve substantial controversy within the industry;

4. Seasonal marketing order policies adopted by the administrative committees for 13 designated fruit and vegetables marketing orders; and

5. Controversial or unique actions involving administrative decision.

Each year AMS takes significant actions which result in the issuance of marketing orders or amendments to existing orders that regulate the handling of milk, fruits, vegetables, dried fruits and tree nuts. The issuance of new or amended orders is subject to the procedural requirements of the Agricultural Marketing Agreement Act and the Administrative Procedure Act.

All decisions must be based on evidence developed at public hearings. At various stages of the proceedings, interested parties are given the opportunity to participate or comment on the merits of the issue.

There are 46 marketing orders in effect for fruits, vegetables, dried fruits and tree nuts. For each order, a marketing policy is developed by the order's administrative committee. The policy sets forth the basis for any regulatory action which may be recommended for the ensuing marketing season. After adoption by the

committee, the marketing order policy is submitted to the Department for approval. Thirteen of the 46 orders have been identified as having potential for significant economic effect. They are:

1. M.O. 930—Red Tart Cherries in Eight Specified States.
2. M.O. 910—California-Arizona Lemons.
3. M.O. 932—California Olives.
4. M.O. 907—California-Arizona Naval Oranges.
5. M.O. 929—Cranberries in Ten Specified States.
6. M.O. 908—California-Arizona Valencia Oranges.
7. M.O. 966—Florida Tomatoes.
8. M.O. 967—Florida Celery.
9. M.O. 981—California Almonds.
10. M.O. 984—California Walnuts.
11. M.O. 989—California Raisins.
12. M.O. 991—Hops.
13. M.O. 993—California Prunes.

In the past, other types of Agency actions identified as significant included actions to implement generic research and promotion acts, the issuance or amendment of regulations which implemented other enabling legislation, and the periodic review of existing regulations.

Procedure for Placement on Mailing List

Persons or organizations who wish to be added to the mailing list for the dissemination of a prenotice should submit their names and addresses to: Dr. Harold S. Ricker, Room 3068, South, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone: (202) 447-8669.

Persons or organizations should also specify one or more of the following commodities or areas of interest to prevent the mailing of unwanted material: dairy, tobacco, natural fibers (cotton, wool, mohair), fruits, vegetables, nuts, livestock, meat, poultry, grains, seed, naval stores, Packers and Stockyards Act, Plant Variety Protection Act, Perishable Agricultural Commodities Act, U.S. Warehouse Act, Export Apple and Pear Act, Export Grape and Plum Act, and Federal-State grants.

Questions concerning this mailing list on AMS programs should be directed to Dr. Ricker, previously listed as the contact for additional information.

Dated: August 13, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-25377 Filed 8-15-79; 8:45 am]

BILLING CODE 3410-02-M

Foreign Agricultural Service

Dairy Quota Allocation; Certain Cheese Imports

AGENCY: Foreign Agricultural Service.

ACTION: Notice of request for information regarding certain cheese imports.

SUMMARY: In light of the fact that the Trade Agreements Act of 1979, PL 96-39, was signed into law by the President on July 26, 1979, the U.S. Department of Agriculture will be issuing a proposed revision to Import Regulation 1 (7 CFR 6.20-6.32) pertaining to the allocation of certain dairy quotas among importers and users. In order to determine the most fair and equitable method of allocation, individual import records, for a representative base period, must be examined. Interested importers of record are therefore requested to submit to the Department copies of all Customs forms 7501 and 7505 (for imports and withdrawals from warehouse for consumption) for so-called price-break cheeses not subject to quota for the period July 1, 1978-June 30, 1979.

DATE: In order to assure prompt consideration, all documents requested

herein should be received by September 6, 1979.

ADDRESS: Mail all documents requested herein to: Head, Dairy and Import Group, U.S. Department of Agriculture, Room 6616, South Building, 14th & Independence Avenue S.W., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Carol M. Harvey, Head, Dairy and Import Group Dairy, Livestock and Poultry Division, Commodity Programs, Foreign Agricultural Service, Room 6616 South Agricultural Building, United States Department of Agriculture, Washington, D.C. 20250 (202)-447-5270.

SUPPLEMENTARY INFORMATION:

Documents submitted should concern the following cheeses: Swiss or Emmentaler (TSUS 117.6035), Gruyere-process (TSUS 117.6055, 117.7550, 117.8550), Other Cheese-NSPF (TSUS 117.7560, 117.8560) and Other Cheese-Lowfat (TSUS 117.7570, 117.8570). Documents concerning soft-ripened cheeses such as Brie and Camembert should not be included. The documents should be grouped by cheese category as above, TSUS number and country of origin, and submitted with a cover letter summarizing the imports in the following format:

Cheese Category (e.g. Gruyere-Process)			
TSUS No.	TSUS 117.6055	TSUS 117.7550	TSUS 117.8550
Country of Origin			
Country X			
Country Y			
Country Z			
Total			

Total Gruyere-Process: The letter should certify that the numbers contained therein are accurate to the best of the importer's knowledge.

Issued at Washington, D.C. this 13th day of August, 1979.

Thomas R. Hughes,

Administrator, Foreign Agricultural Service.

[FR Doc. 79-25361 Filed 8-15-79; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD**Laker Airways, Ltd.****AGENCY:** Civil Aeronautics Board.**ACTION:** Notice of Order to Show Cause: Order 79-8-59.**SUMMARY:** The Board proposes to approve the following application:Applicant: Laker Airways Limited.
Application Date: April 26, 1979, Docket 35416.

Authority Sought: Transfer of a foreign air carrier permit from Laker Airways Limited to another corporation also named Laker Airways Limited.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, No Later Than September 4, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of the United Kingdom. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:

Docket 35416, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Laker Airways Limited, c/o Robert M. Beckman, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:

Legal Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5153.

By the Civil Aeronautics Board: August 10, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-25358 Filed 8-15-79; 8:45 am]

BILLING CODE 6320-01-M**[Docket 33363]****Former Large Irregular Air Service Investigation; Hearing**

Hearings will be held on the following applications on the dates set opposite the applicants' names at 9:00 a.m. in Room 1003, Hearing Room B, 1875 Connecticut Avenue, N.W., Washington, D.C. 20428: Air World USA, Inc., September 12, 1979; JFC Enterprises, September 14, 1979; and Northeastern Airlines (Robert G. Rutkoski d.b.a.), September 26, 1979.

Dated at Washington, D.C., August 13, 1979.

Rudolf Sobernheim,

Administrative Law Judge.

[FR Doc. 79-25359 Filed 8-15-79; 8:45 am]

BILLING CODE 6320-01-M**COMMISSION ON CIVIL RIGHTS****Pennsylvania Advisory Committee; 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 Pennsylvania Advisory Committee (SAC) of the Commission will convene at 12 noon and will end at 5:00 pm, on September 14, 1979, at the William Penn Museum, 3rd and North Streets, Room G-24, Harrisburg, Pennsylvania 17120.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is for program review and planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 10, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-25342 Filed 8-15-79; 8:45 am]

BILLING CODE 6335-01-M**DEPARTMENT OF COMMERCE****Industry and Trade Administration****Applications for Duty-Free Entry of Scientific Articles**

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, by September 5, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 735 at 666-11th Street NW., Washington, D.C.

Docket No.: 79-00267. Applicant: Columbia University—(Trustees of Columbia University in the City of New York), 315 Havemeyer Hall, New York, NY 10027. Article: 1 TE 861S High Repetition Rate Rare Gas Halide Laser, and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for studies of the photodissociation and photofragmentation properties CS₂, CH₃I, CF₃I, CF₃Br, and other similar gases. Investigations will be conducted to determine the usefulness of ultraviolet lasers as a source of catalysis in photochemical reactions. In addition, the article will be used for independent research projects by graduate students in the area of ultraviolet photochemistry and photofragmentation for the degree of Doctor of Philosophy. Application received by Commissioner of Customs: May 7, 1979.

Docket No.: 79-00334. Applicant: University of California, Los Angeles, Department of Earth and Space Sciences, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Mass Spectrometer, Model Isomass 54E and Accessories. Manufacturer: VG Micromass, United Kingdom. Intended use of Article: The article is intended to be used to measure the isotopic composition of the elements Nd

(neodymium), Sm (Samarium), Sr (Strontium), Rb (Rubidium) and several others in the geological materials. Typical experiment involves obtaining particular rock samples, crushing and dissolving them, chemically separating the elements of interest and then measuring the isotopic composition of these using the mass spectrometer. The investigations pursued will address geological problems concerning origin, age and evolution of the Earth's continental crust, the history of evolution of the Earth's mantle, the formation of igneous rocks, and origins of certain types of ore deposits. In addition, the article will be used for training of graduate students at the pre-Ph. D. levels pursuing original scientific research. Application received by Commissioner of Customs: July 3, 1979.

Docket No.: 79-00335. Applicant: The George Washington University, Washington, D.C. 20052. Article: Mobile Solar Test Facility. Manufacturer: Solarfin Products, Canada. Intended use of article: The article is intended to be used for educational purposes in the courses:

ME 194—Energy Conversion, Undergraduate Mechanical Engineering—designed to provide the students engineering information on fundamentals and design of energy conversion systems including the solar energy applications.

ME 259—Solar Heating and Cooling System; Graduate Mechanical Engineering dealing with the application of solar energy for heating and cooling of buildings.

Application received by Commissioner of Customs: July 3, 1979.

Docket No.: 79-00336. Applicant: Purdue University, Freh Building, West Lafayette, IN 47907. Article: Electron Microscope, Model EM 400 HMG and Accessories. Manufacturer: Philips Electron Instruments, The Netherlands. Intended Use of Article: The article is intended to be used for several research programs, including:

(1) Macromolecular structure, localization, and development of enzyme complexes—experiments consisting of attempts to resolve the finest structure of the particles and experiments designed to locate the enzymes within cells.

(2) Growth and Reproduction of Fungi—determination of the roles of various membranes and cell organelles in bringing about or influencing developmental processes.

(3) Insect Pathology—involving the study of insect viruses as well as other pathogens of insects in order to

understand the ultrastructure of these pathogens and the ultrastructural changes resulting in the insect host during development of the disease.

(4) Plant Virology—studies to identify ultrastructural characteristics of isolated plant viruses and to study the cytopathology of plant viruses in the cells of their hosts.

(5) Mechanisms of action of herbicides—study is to obtain information that will help in understanding how chemical herbicides affect plants and to learn the mechanism of action, at the cellular level, by which herbicides inhibit plant growth and make weed control possible, and

(6) Miscellaneous studies of plant, microbial, and animal cell development most of which involve studies of the development of cells of plants, animals, and microorganisms of interest to agriculture.

Application received by Commissioner of Customs: July 3, 1979.

Docket No.: 79-00337. Applicant: Texas A&M University, College Station, TX 77843. Article: Waverider Buoys and Waverider Receiver, Type Warep Mark II and Accessories. Manufacturer: Datawell bv, The Netherlands. Intended use of article: The article is intended to be used for studies of characteristics of ocean waves along the Texas coast. Wave heights, periods, directions and energy density spectra will be investigated in pursuit of the following objectives:

1. To assemble reliable information on wave characteristics along the Texas Gulf Coast.

2. To analyze the data and present it in a usable form for engineers, planners, developers or state agencies concerned with the design of coastal and offshore structures.

3. Compare various methods of data analysis for each wave record.

4. Compare wave height climates for different seasons, years or locations.

Application received by Commissioner of Customs: July 3, 1979.

Docket No.: 79-00338. Applicant: Presbyterian Medical Center, 1719 East 19th Ave., Denver, Colorado 80218. Article: Electron Microscope, Model EM 109R and Accessories. Manufacturer: Carl Zeiss, West German. Intended use of article: The article is intended to be used for the following research objectives:

(1) Examination of the electron microscopic properties of platelets that affect their function.

(2) Determination of whether viral diagnosis can be made in selected cases in a much shorter time (days) rather than the usual methods (weeks).

(3) Processing of all tumors of uncertain etiology for both research and practical purposes.

(4) Electron microscopy on peripheral blood and bone marrow aspirates of patients with blood dyscrasias in hopes to clarify the nature of the disease but also discover viral agents implicated in the development of leukemia.

The article will also be used as an educational adjunct to diagnosis on all levels of physicians training on a daily or rotational basis; this includes interns, pathology residents, regional meetings, and continuing education and quality control for practicing pathologists.

Application received by Commissioner of Customs: July 3, 1979.

Docket No.: 79-00339. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139. Article: Interferometer Mirrors. Manufacturer: Optical Surfaces Ltd., United Kingdom. Intended use of article: The article is intended to be used as the primary component for an in-house built Spherical Fabry-Perot spectrometer which will be used to measure the Brillouin spectrum of laser light which has been scattered from thermal fluctuations in matter. The system studied will be superfluid helium. The objective of the experiments is to investigate dynamic phenomena near the superfluid to normal fluid phase transition. This research will be carried out as part of the graduate training of students at MIT. Application received by Commissioner of Customs: July 3, 1979.

Docket No. 79-00340. Applicant: Veterans Administration Medical Center, 1601 Perdido Street, New Orleans, LA 70146. ARTICLE: Diamond Knife. Manufacturer: Frederick Dehmer, West Germany. Intended use of article: The article is intended to be used to cut human and animal tissue on an ultramicrotome. Application received by Commissioner of customs: July 3, 1979.

Docket No. 79-00341. Applicant: VA Medical Center, 300 East Roosevelt Road, Little Rock, AR 72206. Article: Electron Microscope, Model H-300 and Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for studies of biological tissues of diverse origins, mainly human, in order to elucidate the disease process at the ultrastructural level. Experiments will range from detailed studies of fine cell structure at high magnification to tissue morphology studies at very low magnifications. The article will also serve as an enhancement of a clinical facility and be actively involved in research of the

respiratory system. Application received by Commissioner of Customs: July 3, 1979.

Docket No.: 79-00342. Applicant: Children's Hospital Medical Center of Akron, 281 Locust Street, Akron, Ohio 44308. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of the following biological materials:

(1) Tissues from central and peripheral nervous system and other organs of primates (with vitamin B₁₂ deficiency).

(2) Tissues from central and peripheral nervous system and other organs of primates with nitrous oxide intoxication.

(3) Cell cultures.

(4) Pathologic tissues specimens from experimental animals inoculated with tumors.

(5) A variety of human tissues (biopsy and autopsy material) for the purpose of clinical research.

The article will also be used to train pathology residents and fellows in the basic techniques of electron microscopy such as fixation and processing of tissues, ultrathin sectioning, electron microscopy, photographic techniques, and an introduction to the interpretation of fine structure. Application received by Commissioner of Customs: July 3, 1979.

Docket No.: 79-00343. Applicant: IIT Research Institute, 10 W. 35th Street, Chicago, Illinois 60616. Article: Memory Controlled Fully Automatic Sequential Vacuum X-Ray Spectrometer, Model 3064M with End Window X-Ray Tube and Accessories. Manufacturer: Rigaku Ltd., Japan. Intended use of article: The article is intended to be used for studies of material requiring quantitative or qualitative elemental analysis as presented to an analytical research laboratory. Particular interest will be analysis of thin powder samples on filter paper (such as aerosol samples) solids, bulk powders, slurries, and liquids. The primary quantity to be measured is the elemental composition (chemical composition) of the sample including light elements. The physical properties will vary from rugged solids to relatively fragile powders deposited on the top surface of filter papers. Application received by Commissioner of Customs: July 3, 1979.

Docket No.: 79-00345. Applicant: Mount Sinai School of Medicine, Fifth Avenue and 100th Street, New York, New York 10029. Article: Hemofiltration Unit BF 910 and adjuncts. Manufacturer: Bellco-Germany GmbH, Germany.

Intended use of article: The article is intended to be used in research involving the comparison of hemofiltration in a clinical trial with conventional hemodialysis to establish the clinical usefulness of this treatment, the costs involved and to gain insight into the nature of endstage renal failure. Application received by Commissioner of Customs: July 3, 1979.

Docket No.: 79-00346. Applicant: National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709. Article: Mass Spectrometer System, Model MM 70-70 and Accessories. Manufacturer: VG Micromass, United Kingdom. Intended use of article: The article is intended to be used for the study of unimolecular gas phase reactions and gas phase ion-molecule reaction with particular emphasis on the understanding of chemical ionization mass spectrometry and the study of novel ion-molecule reactions which might have utility for the analysis of materials of particular interest to environmental health scientists. It is desirable to form a precise tabulation of these materials as new chemicals continually being added to the list of environmental health hazards. Application received by Commissioner of Customs: July 3, 1979.

Docket No.: 79-00347. Applicant: Duke University Medical Center, Department of Pathology, P.O. Box 3712, Durham, North Carolina 27710. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in the study of the ultrastructure of cells and their components, cell membranes and their components, virus particles and their components, and macromolecules (e.g., myosin, actin, etc.). The main objectives of the research are to determine the ultrastructure of a number of biological materials, notably various cell membranes, especially those of heart muscle of viruses, and to correlate these anatomical observations with functional biological phenomena (e.g. to understand which anatomical feature in heart muscle corresponds to what particular step during the contraction of that heart muscle). Application received by Commissioner of Customs: July 10, 1979.

Docket No.: 79-00348. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: JNM/FX-900 High Resolution Fourier Transformation Multi-Nuclear Magnetic Resonance Spectrometer System and Accessories. Manufacturer: JEOL Ltd., Japan.

Intended use of article: The article is intended to be used for studies of the structures and the dynamics of molecules and molecular aggregates. Pulsed fourier transform NMR spectra will be obtained for ¹H, ²H, ¹³C, ¹⁵N, ¹⁷O, ¹⁹F, ³¹P, ¹⁹⁹Hg, ¹¹⁹Sn, ²⁹Si, ¹⁹⁵Pt, and ⁵⁹Co, with particular interest in determining the mobility of parts of molecules by measuring T_{1rho} versus temperature. The article will also be used to teach the application of various NMR techniques for the determination of molecular structure and for the identification of unknown organic compounds in the course Chemistry 5.56, Special Topics in Organic Chemistry. Application received by Commissioner of Customs: July 10, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-25243 Filed 8-15-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), and will meet to discuss the Mackerel Fishery Management Plan (FPM); the Squid/Butterfish FMP; work plans for and status of various FMP's, and other administrative matters.

DATES: The meeting will convene on Wednesday, September 12, 1979, at approximately 1 p.m., and will adjourn on Friday, September 14, 1979, at approximately 1 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover Delaware 19901, Telephone: (302) 674-2331.

Dated: August 13, 1979.

Winfred H. Meibohm,
Executive Director, National Marine
Fisheries Service.

[FR Doc. 79-25375 Filed 8-15-79; 8:45 am]
BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), and will meet to discuss management objectives for a lobster fishery management plan (FMP); report of the ad hoc committee on Georges Bank marine sanctuary; groundfish oversight committee report; motion to eliminate the present system of species quotas, vessel class allocations, trip limits and seasonal and geographical allocations; election of officers, and other business.

DATES: The meeting will convene on Wednesday, September 5, 1979, at approximately 9 a.m., and will adjourn on Thursday, September 6, 1979, at approximately 3 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Bar Harbor Club, West Street, Bar Harbor, Maine.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960, Telephone: (617) 535-5450.

Dated: August 13, 1979.

Winfred H. Meibohm,
Executive Director, National Marine
Fisheries Service.

[FR Doc. 79-25374 Filed 8-15-79; 8:45 am]
BILLING CODE 3510-22-M

Office of the Secretary

[Department Organization Order 20-14;
Transmittal 454]

Department Organization Order Series; Office of Procurement and Automatic Data Processing Management

This order effective July 10, 1979
supersedes the material appearing at 44
FR 3306 of January 16, 1979

Section 1. Purpose

.01 This Order prescribes the organization and functions of the Office of Procurement and Automatic Data Processing Management (OP&ADPM).

.02 This revision reflects the resolution of organization and functions after the reorganization of OAS&P and OADPM in November, 1978; and the transfer of the Small Business and Contract Compliance Unit to the Office of Small and Disadvantaged Business Utilization (Department Organization Order 15-9).

Section 2. Status and Line of Authority

The Office of Procurement and Automatic Data Processing Management, a Departmental office, shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration.

Section 3. Functions

Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary may prescribe, OP&ADPM shall:

a. Have Departmentwide responsibility for procurement management, and perform procurement for all elements of the Department except as otherwise provided in Department Administrative Order 208-2, "Procurement Authority;"

b. Provide a full range of ADP services for all elements of the Department, including development of plans, policies, and procedures for the acquisition, use and management of ADP resources and information systems; conduct or sponsor studies and applied research, and operate a central computer facility for the Office of the Secretary and designated operating units;

c. Serve as a focal point for dealing with the Office of Management and Budget (OMB), the General Services Administration (GSA), the General Accounting Office (GAO), and other central management agencies on procurement and ADP matters relating to the Department; and

d. Exercise such authorities of the Assistant Secretary for Administration as are necessary to carry out the functions assigned by this Order.

Section 4. Organization

The functions of the Office shall be carried out under the direction and supervision of the Director who shall be assisted by a Deputy Director for Procurement and a Deputy Director for ADP Management. The Director may designate either Deputy to serve as Acting Director during the Director's absence. The organization and functions of the Office shall be as provided below:

.01 The Deputy Director for ADP Management is responsible for

development, coordination and implementation of the policies and programs which govern the processes used for the management of the Department's ADP resources and information systems. The Deputy shall also be the Director's principal assistant for providing automatic data processing operations and related support for the Office of the Secretary and designated operating units. The Deputy shall ensure proper liaison with central management agencies and congressional oversight committees concerning Federal ADP policies and issues. Under the direction and supervision of the Deputy, the functions of the Office shall be organized as provided below:

a. The ADP Policy Division shall develop and monitor the execution of plans, policies, and procedures for the management, acquisition, and use of automatic data processing and information resources within the Department. The Division shall review and make appropriate recommendations regarding ADP information systems requirements and budget requests submitted by Department units; develop and monitor Department procedures to ensure compliance with Federal policies and directives relating to ADP and information systems activities; promote standard practices for information systems and computer facility management; conduct a program for computer facility performance evaluation and recommendations; review and refine proposed Department specifications for ADP resources acquisitions; and interface with the central management agencies on ADP matters. The Division shall provide consultation and assistance to Department units and contracting officials in ADP requirements definition, specifications development, acquisition procedures, contract negotiations, and evaluation and selection.

b. The Analysis and Programming Division shall provide central project management, design, and software maintenance of ADP systems supporting the Office of the Secretary and designated operating units. The Division shall serve as the primary resource to the Department for administration of automated data, system development methodology, project control and technical administration of software systems throughout their life cycle.

c. The Computer Center shall operate a central computer facility for the Office of the Secretary and for designated Department operating units, or selected ADP applications of Department operating units as well as selected applications of other Government

agencies. The Computer Center shall provide batch processing services and support teleprocessing systems for text processing, data entry, data base management, and interactive program development.

.02 The Deputy Director for Procurement shall develop, coordinate, and implement the policies and programs which govern the acquisition of all equipment, materials and services (including ADP) required by the Department of Commerce. The Deputy shall be the Director's principal assistant for managing the centralized contracting organization for all Commerce elements in the Washington metropolitan area. The Deputy shall also ensure proper liaison for the Department with GSA, GAO, the Office of Federal Procurement Policy (OFPP), OMB and the Congress on all procurement matters. Under the direction and supervision of the Deputy, the functions of the office shall be organized as provided below:

a. The Procurement Policy Staff shall develop and coordinate overall procurement policy for the Department. The Procurement Policy Staff shall manage the Department's Procurement Data Base reporting requirements and interface with the central management agencies on procurement matters. The Staff shall review, recommend action on, and serve as the office of record for delegations of procurement authority; process all requests for ratifications of unauthorized procurements; and make administrative determinations related to mistakes in bid. The Staff shall conduct site visits of operating procurement offices throughout the Department to evaluate compliance with regulations and provide assistance in improving operations.

b. The Planning Administration and Procedures Staff shall develop, coordinate, and issue operational procedures for the Department's centralized procurement function; and shall provide reports and management information for the centralized procurement function.

c. The Technical Procurement Division shall provide procurement services for the acquisition of ADP equipment, software, and services. The Division shall also execute research and development hardware and supply contracts.

d. The Research and Services Procurement Division shall provide procurement services for the acquisition of construction, research and development studies, architect engineer, general services, and small purchasing.

e. The Contract Administration and Support Division shall provide contract administration; price analysis; guidance on small and minority business, and labor surplus areas programs; and process terminations and claims.

Section 5. Savings Provisions

All Department Administrative Orders which refer to the former Office of Administrative Services and Procurement, or OAS&P, are constructively amended to refer instead to the Office of Procurement and ADP Management, or OP&ADPM, for procurement matters and to the Office of Administrative Services, or OAS, for other matters.

All Department Administrative Orders which refer to the former Office of ADP Management, or OADPM, are constructively amended to refer instead to the Office of Procurement and ADP Management, or OP&ADPM.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 79-25263 Filed 8-15-79; 8:45 am]

BILLING CODE 3510-17-M

[Department Organization Order 30-7B, Amendment 3; Transmittal 455]

Department Organization Order Series; National Technical Information Service

This order effective July 13, 1979 further amends the materials appearing at 42 FR 44831 of September 7, 1977, 42 FR 60946 of November 30, 1977 & 43 FR 6131 of February 13, 1978.

Department Organization Order 30-7B, dated August 1, 1977, is hereby further amended as shown below. This amendment changes the titles of: (1) the Office of Product, Program and Administrative Management to the Office of Product and Program Management, and (2) the Office of the Controller to the Office of the Associate Director for Financial and Administrative Management and establishes new functions within these offices.

1. Section 7. Office of Product, Program and Administrative Management. Section 7. is revised to read as follows:

"Section 7. Office of Product and Program Management.

"The Office shall be headed by an Assistant Director who shall be responsible for developing policy recommendations in all areas relative to the design, development, and business management of NTIS products, programs, and services; for coordinating the successful production and marketing of ongoing products and services; and

for developing and bringing to the market new and improved information products and services. The Office shall be responsible for ensuring the regular acquisition of scientific and technical, economic, and engineering information from foreign or domestic sources, and it shall be responsible, on a continuing basis, to the needs of NTIS source clients, managing dealers, and major customers, by monitoring their acceptance of, and sensitivity to, NTIS products and services."

2. Section 8. Office of the Controller. Section 8. is revised to read as follows:

"Section 8. Office of the Associate Director for Financial and Administrative Management.

"The Office shall be headed by an Associate Director who serves as Chief Administrative Officer of NTIS, responsible for the conduct of all functions relating to financial and administrative management, for the development and implementation of policy recommendations, and for overseeing NTIS' overall policy. The functions of the Office shall be carried out through its principal organizational components as prescribed below:

".01 The Office of Financial Management shall be headed by a Deputy Associate Director who shall be responsible for providing technical direction, coordination, evaluation, and execution of financial management policies; performing cost studies as a basis for product pricing; formulating and executing an integrated budget, which includes revenue forecasts, expense and production budgets, cost standards, and programs for capital investment and financing; measuring performance against approved operating plans and standards; and planning, developing, and implementing accounting procedures and systems.

"a. The Accounting Division ensures appropriate accountability of funds which in part requires NTIS to conform to the principles, standards and related requirements prescribed by the Comptroller General of the United States and the Department of Commerce (see 31 U.S.C. 65 *et seq.*); provides effective control over and accountability for all funds, property, and other assets for which NTIS is responsible; provides reliable accounting results to serve as a basis for preparing and supporting budget requests; and assists in the development of financial arrangements for NTIS' numerous interagency agreements.

"b. The Budget Formulation Division develops procedures and schedules for timely preparation and review of all NTIS budgets, which includes revenue

forecasts, expense and production budgets, cost standards, and programs for capital investment and financing; provides appropriate assistance to line managers in preparing budget estimates including, where appropriate, cost benefit analyses, trend data, unit cost information, and other analytical tools to promote the development of meaningful budgets; reviews and consolidates budgets, ensuring the availability of funds to cover planned expenditures and preparing presentations for formal approval by the NTIS executive body; documents budget justification for presentation to the Departmental Office of Budget and Program Evaluation; develops program presentations to the Office of Management and Budget (OMB) and the Appropriations Subcommittee; assists in the development of financial arrangements for NTIS' numerous interagency agreements; and maintains and monitors NTIS staffing to provide maximum utilization of the authorized personnel ceiling and to ensure the end-of-year ceiling is not exceeded.

"c. The *Reporting, Control and Analysis Division* measures and reports performance against approved operating plans and standards, and reports and interprets the result of operations to all levels of management; performs studies of product costs, analyses of profitability by product line, studies of volume and price changes and the effect of reduction in costs, analyses of profitability by different product managers, objective analyses in support of forecasts to aid in management decision making, and develops alternative pricing mechanisms to aid management in realizing full cost recovery in the sale of products; controls the execution of the budget, and provides financial and quantitative data for internal management and control; and assists in the development of financial arrangements for NTIS' numerous interagency agreements.

".02 The *Office of Administrative Management* shall be headed by a Deputy Associate Director who shall direct the management of NTIS-wide facilities and management improvement systems, including studies for work measurement, workflow analysis, operations research, organization reviews and other analyses to maximum the utilization of personnel and other resources; directs the personnel management function, including labor relations, training and liaison with the Departmental Office of Personnel; provides directives and paper work management; and plans and administers

an NTIS-wide program of general services.

"a. The *Management and Organization Division* develops and receives requests on management and organization concerns; plans and conducts management surveys of NTIS or of specific organizational units or functions, as requested or approved; and develops and implements new or revised policies, requirements, standards, and procedures on NTIS-wide administrative matters.

"b. The *Facilities Management Division* shall provide, for all components of NTIS, the following administrative services: property and supply management, records and files management; space management; travel and traffic management; telecommunications, mail, messenger, and related office services; occupational health and safety; and security.

"c. The *Contracting Services Division* shall serve as the internal focal point for the administrative clearance of NTIS-wide procurement and for interagency and other agreements to be executed.

".03 The *Management Systems Staff* develops policy and standards applicable to the coordination and integration of all administrative systems including those operating in an automated environment; reviews financial and administrative systems designs and implementation plans; and provides liaison with the Department and other agencies on administrative system matters.

".04 The *Program Evaluation Staff* conducts ongoing and special studies to evaluate the effectiveness of NTIS programs in meeting its stated objectives; identifies major program problems and undertakes analyses to resolve them; and advises and assists components of NTIS in the identification of program goals and objectives, and in evaluating the results of operations towards meeting these goals."

3. Reference to Section 7, paragraphs .01 and .02 in Amendment 1 to this Order are hereby superseded.

4. Amendments 2 of this Order is hereby superseded by this amendment.

5. The organization chart attached to this amendment supersedes the chart dated January 11, 1978. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 79-25264 Filed 8-15-79; 8:45 am]

BILLING CODE 3510-17-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

August 8, 1979.

The USAF Scientific Advisory Board Tactical Warfare Panel will meet at Headquarters Tactical Air Command, Langley Air Force Base, Virginia, on September 11 and 12, 1979. The meeting will convene at 8 a.m. and adjourn at 5 p.m. on September 11, and convene at 8 a.m. and adjourn at 2 p.m. on September 12.

The Panel will receive classified briefings on tactical air force electronic warfare threats and development programs. The discussions will be classified and closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1).

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-25333 Filed 8-15-79; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Permit Application for Discharge of Fill Material Into Kawainui Marsh, Oahu, Hawaii

August 6, 1979.

AGENCY: U.S. Army Corps of Engineers, DoD, Honolulu District.

ACTION: Notice of Intent to prepare a DEIS.

SUMMARY: 1. The proposed action is a Department of the Army regulatory permit application. The City and County of Honolulu, Department of Public Works, has requested a Department of the Army permit for the discharge of fill material into Kawainui Marsh under Section 404 of the Clean Water Act. The fill to be discharged into the marsh will consist of crushed basalt rock obtained from a local quarry and material excavated from the marsh. The City and County is planning to construct the Maunawili-Olomana District Interceptor Sewer along an alignment in the marsh. The fill will be used to provide a sub-base for the sewerline and to backfill the trench. The trench for the sewerline will be 7 feet wide, 10 feet deep and about 9,300 linear feet long. Construction equipment will be supported on timber beams or metal mats. Sheet piling will be used to

support the sides of the trench and a portion of the piling will be left in place as structural support for the sewerline.

2. The U.S. Army Corps of Engineers can decide to issue the permit, issue the permit with modifications or deny the permit. The City and County has considered alternate alignments along Kalaniana'ole Highway and Kailua Road, along Kapaa Quarry Road and through the Kukanono Subdivision, improving the existing wastewater treatment plants in Maunawili, Pohakupu and Kukanono, and revising State Water Quality Standards to allow the continued discharge of wastewater into Kawainui Marsh. The alternatives do not involve a Department of the Army permit, except for the alignment along Kapaa Quarry Road where the road crosses a portion of the marsh.

3. A public notice was issued by the U.S. Army Corps of Engineers for public and agency review on November 4, 1976. In response to comments received, a public hearing was held on January 25, 1977 at the Kailua Library in Kailua, Oahu, Hawaii. No further public hearings are scheduled. Significant issues to be analyzed in depth in the DEIS are those identified at the public hearing. The issues include the probable effects on groundwater flow, endangered Hawaiian waterbirds, historic resources, including those eligible to the National Register of Historic Places, land use, water quality, flood water storage, freshwater flora and fauna, tropic levels and organism diversity. Coordination with the U.S. Fish and Wildlife, Endangered Species Office, State Historic Preservation Office and the U.S. Advisory Council on Historic Preservation is required. Affected Federal, State, City and County agencies, Hawaii residents and interested private organizations and parties are invited to forward their comments on their areas of interest to the U.S. Army Corps of Engineers for consideration in preparation of the DEIS.

4. A Scoping meeting will not be held.

5. The DEIS may be available for public and agency review in January 1980.

ADDRESS: Questions about the proposed action and the DEIS can be answered by: Mr. Stanley Arakaki, Construction Operations Division, ATTN: Operations Branch, U.S. Army Engineer District, Honolulu, Building 230, Fort Shafter, Hawaii 96858, Telephone: (808) 438-9258.

Dated: August 6, 1979.

B. R. Schlapak,

Corps of Engineers, District Engineer.

[FR Doc. 79-25330 Filed 8-15-79; 8:45 am]

BILLING CODE 3710-NM-M

Office of the Secretary

Defense Science Board Task Force on EMP Hardening of Aircraft; Meeting

The meeting date for the Defense Science Board Task Force on EMP Hardening of Aircraft scheduled for a closed session on 5-8 September 1979 at Defense Nuclear Agency, Alexandria, Virginia, as published in the *Federal Register* [Vol. 44, No. 144, dated Wednesday, July 25, 1979, FR Doc 79-22903] has been changed to 19-20 September 1979 in Alexandria, Va. In all other respects, the original notice cited above remains the same.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

August 13, 1979.

[FR Doc. 79-25368 Filed 8-15-79; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Task Force on Naval Surface Ship Vulnerability; Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Naval Surface Ship Vulnerability will meet in closed session on September 20, 1979, in the Pentagon, Washington, DC.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Defense Science Board Task Force on Naval Surface Ship Vulnerability has been scheduled for September 20, 1979, to review, evaluate, and summarize the vulnerability of naval surface ships with consideration of their effectiveness in carrying out future naval missions.

In accordance with 5 U.S.C. App I § 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that

accordingly, this meeting will be closed to the public.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

August 13, 1979.

[FR Doc. 79-25369 Filed 8-15-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Gasoline Marketing Advisory Committee and Ad Hoc Subcommittees; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Gasoline Marketing Advisory Committee.

Date, time, and place: September 5, 1979, 11:00 a.m. to 5:00 p.m.; September 6, 1979, 9:00 a.m. to 5:00 p.m., Jack Tar Hotel, Van Ness at Geary, Sea Cliff/Marina Room, San Francisco, California.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Room 8C031, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202-252-5187.

Public participation: The meetings are open to the public. The Chairmen of the Committee and Subcommittees are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee or Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should call the Advisory Committee Management Office at the above number at least 5 days prior to the meeting and reasonable provisions will be made to include their presentation on the agenda.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Purpose of committee: To provide the Department of Energy with expert and technical advice concerning the wholesale and retail selling of gasoline.

Tentative agenda: Wednesday, September 5, 1979, 11:00 a.m.—Ad Hoc Subcommittee on Conversion of Retail Pumps to Metric Volumes.

1:00 a.m.—Ad Hoc Subcommittee on Diesel Fuel.

3:00 p.m.—Ad Hoc Subcommittee on Title III (Petroleum Marketing Practices Act).

4:00 p.m.—Public Comment (10 minute rule).

Thursday, September 6, 1979—Old Business, Reports of the Subcommittees, Status of Middle Distillate Inventory, Update on Allocation and Pricing Rules, New Business, Public Comment (10 minute rule).

Issued at Washington, D.C., on August 8, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79-25239 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP79-419]

Consolidated Gas Supply Corp.; Application

August 9, 1979.

Take notice that on July 25, 1979, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP79-419 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to T. W. Phillips Gas and Oil Company (Phillips), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Pursuant to a gas sales agreement, Consolidated proposes to sell an average daily quantity of 5,000 dekatherms equivalent of natural gas per day to Phillips during each of two delivery periods: November 15, 1979 through April 15, 1980, and November 15, 1980 through April 15, 1981. Consolidated proposes to charge Phillips for this service at the rate specified as "General Storage Service—Not From Buyer's Balance in Rate Schedule GSS", Consolidated's currently effective FERC Gas Tariff, Third Revised Volume No. 1, or any effective superseding rate schedule.

The application indicates that Phillips distributes gas at retail to approximately 48,500 customers in its service area in western Pennsylvania and approximately 80 percent of its total supply is produced by it or purchased locally. The remainder of its supply is purchased under long-term contracts with interstate pipelines.

Consolidated would deliver gas for Phillips' account to The Peoples Natural Gas Company (Peoples), at an existing delivery point to Peoples at the Pittsburgh Terminal, located in Allegheny County, Pennsylvania. Peoples is an existing customer of Consolidated. Pursuant to a gas handling agreement dated May 25, 1979, Peoples has agreed to assist in effecting the sale of the subject gas to Phillips by delivering such gas to Phillips at two existing points of interconnection between its facilities and those of Phillips namely, the Bradford Woode Connection, Allegheny County, Pennsylvania and the Arnold Connection, near the city of Arnold, Westmoreland County, Pennsylvania.

It is asserted that Phillips would use the additional quantities purchased from Consolidated for high-priority markets and to facilitate needed operational improvements in its capacity to make winter deliveries. No new or additional facilities would be required to effectuate the proposed deliveries.

Phillips, as indicated in the application, is in need of the proposed additional gas supplies to help alleviate a winter deliverability problem in one of its major distribution areas, and to offset in part curtailments of deliveries by its pipeline suppliers anticipated to occur over the next two years.

The proposed sale would not significantly increase Consolidated's peak or annual market requirements, it is said. The quantities proposed to be sold are surplus to the projected needs of Consolidated's customers throughout the term of the proposed sale.

The application further indicates that the participation of Peoples in facilitating the proposed deliveries to Phillips permits the sale to be effected without the construction of any new or additional facilities, thus permitting Consolidated and Phillips to avoid making additional expenditures.

Consolidated contends in the application that Peoples' participation in this arrangement is not subject in any way to the jurisdiction of the Commission under the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1979, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Consolidated to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-25304 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-412]

El Paso Natural Gas. Co.; Application

August 9, 1979.

Take notice that on July 19, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP79-412 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and delivery of up to 65,000 Mcf of natural gas per day in interstate commerce for Northern Natural Gas Company (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Northern has requested El Paso and others to assist in making available to Northern's pipeline system certain natural gas supplies which have been acquired by northern and are remote from northern's existing pipeline system. It is further stated that in order to assist Northern, Northwest Pipeline Corporation (Northwest) has agreed to deliver certain volumes of natural gas acquired by Northern to El Paso, for Northern's account, at an existing point of interconnection between the pipeline systems of Northwest and El Paso, called the Ignacio Receipt Point located in La Plata County, Colorado. El Paso's proposed transportation and delivery of natural gas for the account of Northern would be governed by the provisions of a gas transportation agreement dated July 5, 1979, between El Paso and Northern.

Pursuant to the terms of the agreement, El Paso has agreed, subject to certain specified conditions, to receive and transport for the account of Northern such quantities of natural gas as Northern would cause to be tendered by Northwest to El Paso at the Ignacio Receipt Point, up to Northern's specified contract quantity. El Paso states that Northern's initial contract quantity is 50,000 Mcf of natural gas per day from the date of first deliveries through October 31, 1981, and thereafter increasing to 65,000 Mcf of natural gas per day from November 1, 1981, through the remaining term of the transportation agreement. Upon receipt of initial deliveries of natural gas from Northwest for Northern's account, El Paso would concurrently deliver to Northern at Delivery Point No. 1, located in Moore county, Texas, a quantity of natural gas received by El Paso from Northwest, for Northern's account, at the Ignacio Receipt Point on the same day for transportation and delivery under the agreement until such time as Delivery Point No. 2, located in Winkler county, Texas, is installed and El Paso has obtained such authorizations as are necessary to commence deliveries at Delivery Point No. 2. El Paso states that once deliveries of gas are commenced at Delivery Point No. 2 El Paso would no longer be obligated to deliver and Northern would no longer be obligated to accept natural gas under the agreement at Delivery Point No. 1.

No new or additional facilities would be required by either party in order to effectuate deliveries by El Paso to Northern at the existing Delivery Point No. 1; however, El Paso has requested authorization to construct and operate minor tap and valve facilities with appurtenances to effectuate delivery of

gas at Delivery Point No. 2. El Paso estimates the total cost of such facilities to be \$117,310.

Northern would compensate El Paso for the back-haul transportation service through the payment of an administrative fee consisting of one cent for each Mcf of natural gas transported and delivered by El Paso at each of the delivery points. Additionally, in the event Northern would authorize El Paso to seek all necessary regulatory approvals to construct and operate incremental facilities additions on El Paso's San Juan Triangle, and effective the date such incremental facilities are placed in service, Northern has agreed to pay an amount equal to the product of Northern's then applicable contract quantity times the rate in effect reflected from time to time as the San Juan Triangle Facilities Demand Charge as set forth in El Paso's FERC Gas Tariff, Third Revised Volume No. 2, or superseding tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-25305 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP74-192]

**Florida Gas Transmission Co.;
Extension of Time**

August 3, 1979.

On July 27, 1979, a motion was filed by the Interstate and Ocean Transport Company for an extension of time for filing written comments in the above-referenced matter pursuant to the Commission's order of July 18, 1979. The motion states that the Commission's order of July 18 and its lengthy draft opinion raise a number of significant issues which will require a substantial amount of time and effort on the part of the company.

Upon consideration, notice is hereby given that an extension of time is granted to and including August 15, 1979, for Interstate and Ocean Transport Company to submit written comments.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 79-25307 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CI78-1207]

Estate of H. L. Hunt; Extension of Time

August 9, 1979.

On June 13, 1979, the Estate of H. L. Hunt filed a motion requesting an extension of time for complying with delivery requirements as prescribed in Ordering Paragraph (A) of the Commission's Order dated April 24, 1979.

The motion states that the gas referred to in Ordering Paragraph (A) of the Order is available for delivery, but problems have arisen which make it necessary for the parties involved to make new arrangements for the transportation of the gas.

Upon consideration, notice is hereby given that an extension of time is granted to and including October 11, 1979 for compliance with Ordering Paragraph (A).

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-25306 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-77]

State of Ohio, et al.; Preliminary Finding

August 6, 1979.

In the matter of State of Ohio, section 108 NGPA Determinations, John C. Mason, Walter E. Eppley #1 Well *et al.* JD79-10181, 10190-97, 10199-10201, Mammoth Producing Corporation R. Nichols #1 Well *et al.* JD79-10294-10309; (Docket No. GP79-77).

On June 22, 1979, the State of Ohio Department of Natural Resources (Ohio) submitted to the Commission notice of determinations that twelve wells ¹ of John C. Mason and sixteen wells ² of the

¹ FERC control No., applicant, well name, and number.

JD79-10181, John C. Mason, Walter E. Eppley, #1.
 JD79-10190, John C. Mason, Forest R. Meyers, #1.
 JD79-10191, John C. Mason, Forest R. Meyers, #2.
 JD79-10192, John C. Mason, Anderson, #1.
 JD79-10193, John C. Mason, Sarah & Raymond Yoder, #1.
 JD79-10194, John C. Mason, Patterson, #1.
 JD79-10195, John C. Mason, Virgil E. Shreiner, #4.
 JD79-10196, John C. Mason, Virgil E. Shreiner, #3.
 JD79-10197, John C. Mason, Virgil E. Shreiner, #2.
 JD79-10199, John C. Mason, Arthur Piar, #1.
 JD79-10200, John C. Mason, Louis Gruver, #3.
 JD79-10201, John C. Mason, Virgil E. Shreiner, #1.

² FERC control No., applicant, well name, and number.

JD79-10294, Mammoth Producing Corp., R. Nichols, #1.
 JD79-10295, Mammoth Producing Corp., Tuttlemore, #1.
 JD79-10296, Mammoth Producing Corp., M. E. Bates, #1.
 JD79-10297, Mammoth Producing Corp., R. Davidson, #1.
 JD79-10298, Mammoth Producing Corp., W. Jeffers, #1.
 JD79-10299, Mammoth Producing Corp., W. Kimble, #1.
 JD79-10300, Mammoth Producing Corp., Patterson Unit, #1.
 JD79-10301, Mammoth Producing Corp., R. Chase, #1.
 JD79-10302, Mammoth Producing Corp., A. E. Winters, #1.
 JD79-10303, Mammoth Producing Corp., R. Hayes, #1.
 JD79-10304, Mammoth Producing Corp., J. Bird, #1.
 JD79-10305, Mammoth Producing Corp., Royce-Keck, #1.
 JD79-10306, Mammoth Producing Corp., Leeper-Greenless, #1.
 JD79-10307, Mammoth Producing Corp., H. Bair, #1.
 JD79-10308, Mammoth Producing Corp., Cole-Dacar, #1.
 JD79-10309, Mammoth Producing Corp., J. Wheeler, #1.

Mammoth Producing Corporation qualify as stripper wells under section 108 of the Natural Gas Policy Act of 1978 (NGPA). The Commission published notice of Ohio's determinations on July 9, 1979.

Generally, a well qualifies as a stripper well under section 108 of the NGPA only if, among other requirements, the well did not produce natural gas at a rate exceeding 60 Mcf per production day during a certain recent 90-day production period. Production day is defined in section 108(b)(3) of the Act as any day during which the well produced natural gas, and any day during which natural gas was not produced because of a recognized State conservation practice or an applicable State law.

The records submitted to the Commission by Ohio with its determinations include a statement by the applicants that the subject wells were shut-in for unspecified periods due to minor weather or mechanical problems. Consequently, a calculation cannot be made as to how many production days there were for each well during the relevant 90-day period. Moreover, the information accompanying Ohio's determinations does not include monthly production data; rather, only figures indicating the total annual volumes of gas produced by wells were submitted. As a result, it is impossible to determine the total production of each well for the relevant 90-day period.

Thus, from the evidence submitted to the Commission by Ohio for these wells, it is impossible to determine if each of the wells produced natural gas at a rate of 60 Mcf per production day or less during the relevant 90-day period.

Accordingly, the Commission hereby makes a preliminary finding (pursuant to 18 C.F.R. § 275.202(a)(1)(i)) that the determinations submitted by the State of Ohio Department of Natural Resources—that the above-captioned wells qualify as stripper wells under section 108 of the NGPA—are not supported by substantial evidence in the records on which the determinations were made.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-25310 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. CI77-701 and CI77-799]

City of Perryton, Tex., and Falcon Petroleum Co.; Order Ruling on Proposed Settlement, Withdrawing Order To Show Cause Without Prejudice and Ordering Refunds

August 8, 1979.

This is a two part abandonment application and enforcement (order to show cause) proceeding ¹ concerning the production and sale of natural gas from a one-well unitized property. ² Amoco Production Company (Amoco) and Gulf Oil Corporation (Gulf) obtained certificates of public convenience and necessity ³ for the northern and southern halves of the Purdum Unit respectively and later dedicated the gas to interstate commerce. ⁴ The Unit's single well ⁵ was located on Amoco's northern half and was operated by Oleum, Inc. under contract from Amoco. The well produced gas until December 1975 when it was plugged by Amoco and Oleum. On August 16, 1976, Amoco unilaterally executed and filed a release of its working interest in the property, returning it to the original lessor-landowners. ⁶ Prior to the commencement of these proceedings, abandonment authorization was neither sought nor obtained.

At approximately the same time, Amoco was filing its release and surrender, Falcon Petroleum Co. (Falcon) was obtaining new leases from the original leaseholders and on September 13, 1976 received permission from the Texas Railroad Commission to deepen the Purdum Unit well. ⁷ Falcon

¹ By order issued December 28, 1977, the Commission consolidated Dockets CI77-701 and CI77-799 treating the petitions for declaratory orders therein as applications for abandonment authorization and at the same time ordered certain parties to show cause why they should not be held in violation of the Natural Gas Act.

² Well No. 1 on the 641.4 Purdum Unit location in Section 901, Block 43, H&T.C. Railway Survey, Lipscomb County, Texas.

³ Federal Power Commission Docket Nos. CI163-805 and G-16139.

⁴ By contract between Amoco and Northern Natural Gas Company (Northern) and by contract between Gulf and Transwestern Pipeline Company (Transwestern).

⁵ Spudded on December 23, 1962.

⁶ Amoco's written release and surrender of all of its right, title and interest in and to the oil, gas and mineral leases was filed and recorded in Volume 174, pages 119-120, Deed Records, Lipscomb County, Texas.

⁷ The coincidence of timing in Amoco's surrender and Falcon's acquisition of the leases was noted by the presiding judge at the pre-hearing conference conducted in these dockets.

and the City of Perryton, Texas (Perryton) separately filed petitions for a declaratory order⁸ that Amoco had abandoned the Purdom well in order to allow Falcon and Transwestern to sell fifty percent (50%) of the well's gas production to Perryton in intrastate commerce.

The Commission on December 28, 1977 issued an order consolidating the two dockets, denying declaratory relief and treating the petitions as applications for abandonment authorization. It also joined Amoco and Northern as respondents and ordered them to show cause why they should not be held in violation of the Natural Gas Act. Other parties were allowed limited intervention. Procedural dates were suspended indefinitely on February 14, 1978 by the presiding judge in order to permit settlement discussions among the parties. Falcon, Perryton, Northern, Transwestern and High Plains Natural Gas Company filed on August 16, 1978 a joint motion seeking approval of a stipulation and agreement disposing of all issues relating to abandonment. Northern also seeks dismissal of the order to show cause. Amoco does not join in either motion.⁹ Falcon filed a statement on August 16, 1978 asserting its eligibility to charge and collect the national new gas rate prescribed by Section 2.56(a)(1) and (2) of the Commission's rules for natural gas from the deeper drilling of the Purdom well. The Staff does not object to the settlement and the dismissal of the order to show cause, but disputes the price Falcon claims it may charge. Falcon amended its position on February 5, 1979 by asserting it may charge and collect the price allowed by Section 109 of the Natural Gas Policy Act (NGPA). Additional comments were filed by the Staff on June 5, 1979 and by Falcon on June 29, 1979.

I

The settlement proposed by the parties would resume the sale of gas to the interstate market via the same pipelines¹⁰ in the same proportions¹¹ as when Amoco was producing gas from the well. Since Perryton joined in the motion, we must assume its agreement to the settlement even though we are not told whether it will receive the gas which motivated its original petition. The result of the settlement will be to return to interstate commerce the gas

previously dedicated to interstate commerce by Amoco. To this result, no one is opposed.

II

The real issue in dispute is price. In the motion to approve the settlement all parties agree to abide by the Commission's determination of the proper price to be charged. Since the pendency of this case straddles the enactment of the NGPA, this order must designate the proper price under both the Natural Gas Act and the NGPA. The staff and Falcon cannot agree on the maximum lawful price under either statute.¹²

Falcon claims it was entitled to the national new gas rate for the period prior to the NGPA because it undertook "deeper drilling" of the Purdom well after it acquired the property.¹³ Entitlement to the new gas rate is based on Opinion No. 770-A. The Staff argues that recompletion after January 1, 1973 into a previously penetrated, nonproductive reservoir does not qualify for the new gas rate. The rate depends on whether the commencement date of the initial well or the recompletion date is applied for vintaging purposes. Falcon says any amount of deeper drilling, no matter how small, meets the requirement of Opinion 770-A. And the amount of additional drilling by Falcon was indeed small. It drilled 30 feet beyond the bottom of the abandoned hole, but 20 feet of this was through the concrete plug poured by Amoco. There is nothing in the record to show if Amoco had produced from the reservoir in question, but it does show the reservoir had been penetrated when Amoco drilled the original well bore. This dispute then turns on whether Falcon should get the new gas rate for drilling 10 feet deeper into a previously penetrated reservoir during the course of recompleting the well.

Although Falcon quotes passages from Opinion No. 770-A which could be construed to support its interpretation,¹⁴ that interpretation is totally at odds with the clear purpose of Opinion No. 770-A. It allowed a higher rate in order to encourage new gas

¹² The pipelines have remained silent on the question of price.

¹³ Falcon represents that it cleaned out the abandoned well, drilled out the bottom of the casing, and deepened the well.

¹⁴ Opinion 770-A states the general proposition regarding deeper drilling at p. 162, as follows:

"Production from reservoirs penetrated for the first time through deeper drilling²⁰⁰ in an existing well is eligible for the same rate as if the deeper drilling constituted the commencement of such well."

²⁰⁰ Deeper drilling is defined as drilling after the first completion and production in a well bore has been performed.

production. If a producer drilled deeper and found new gas, he was rewarded with a higher rate. All Falcon did was recomplete an abandoned, formerly producing well. In the course of doing so, it drilled 10 feet deeper than Amoco had. Falcon simply went 10 feet deeper into a reservoir Amoco had previously penetrated, but later abandoned ostensibly for nonproduction. Opinion No. 770-A was not intended to make the new gas rate available in such situations. The reservoir had been penetrated in drilling the original well bore. The well produced gas, albeit from another reservoir, before it was abandoned. As we observed in *Imperial Oil Company, et al.* (Docket No. RI77-47 April 28, 1977):

Therefore, we determine that the just and reasonable rate for this gas is governed by 18 CFR §§ 2.56 a(a)(5)-(6) for recompletion into a previously penetrated nonproducing reservoir. Falcon is also entitled to the small producer and other applicable adjustments.

In either case, the initial drilling costs had been incurred at an earlier date and, in most cases, had been recovered, at least in part, by production from the first completion. Accordingly, the suggestion that production obtained by "reworking" abandoned producing wells should be considered new gas would amount to a substantive change in our announced policy that the pricing of gas from recompletions into previously non-producing reservoirs in existing wells shall be governed by the commencement date of the initial well, not the recompletion date.

III

The contest over NGPA pricing turns on a legal question of statutory construction. Both Falcon and the staff have filed comments after the comment period addressing the pricing issue under the NGPA. Although Falcon protests the timing of the staff's response, we have found all of the comments useful and have considered them.¹⁵

Falcon claims the maximum lawful price for Purdom well gas is governed by NGPA § 109.

The staff contends Falcon may collect only the lower price prescribed by NGPA § 104 and Part 271, subpart D of the Commission's regulations. More

¹⁵ Falcon filed additional comments on February 5, 1979. The staff filed its response on June 5, 1979 with a motion for leave to file out of time. In a filing on June 29, 1979 Falcon protested the staff's motion and answered the staff's response. All of these comments were filed beyond the time allowed for comments on a proposed settlement. But there was good cause, mainly a change in the applicable law. Both sides have had an opportunity to reply to the other's contentions. Good cause existing, we will consider all of the comments. The staff's motion is granted and Falcon's protest denied.

⁸ September 7, 1977 and July 26, 1977, respectively.

⁹ Amoco's participation has been limited to the appearance of its counsel at the January 26, 1978 pre-hearing conference, at which counsel raised numerous jurisdictional issues.

¹⁰ Transwestern and Northern.

¹¹ 50% to each pipeline.

specifically, the staff says the correct price is set by 18 CFR § 271.402(b)(4)(iv) for "replacement gas" or "recompletion gas".

Falcon says it satisfied both clauses of NGPA § 109(a)(2). It proceeds in its analysis by bifurcating the clauses. Falcon's argument goes like this:

1. The Purdum well gas was *dedicated* when contracts were signed for its sale, to Transwestern and Northern on March 17, 1978 and June 6, 1978.

2. The Section 2(18)(B)(iii) exclusion applies to the Purdum gas because a reversion had occurred and in any event it was not being sold on May 31, 1978. If not dedicated, a just and reasonable rate could not attach.

3. Therefore, although not dedicated on May 31, 1978, the gas was dedicated on November 8, 1978 (day before NGPA enactment). Section 109(a)(2) then applies because

(i) the gas was "committed or dedicated" on November 8, 1978, by virtue of contracts for sale in interstate commerce, and

(ii) no just and reasonable rate under the NGA applied on November 8, 1978 because the Section 2(18)(B)(iii) exclusion applied by virtue of the earlier reversion.

Sections 104(a) and 109(a)(2) of the NGPA are reciprocal. Section 104(a) applies as follows: In the case of natural gas committed or dedicated to interstate commerce on the day before the date of the enactment of this Act and for which a just and reasonable rate under the Natural Gas Act was in effect on such date for the first sale of such natural gas, the maximum lawful price computed under subsection (b) shall apply to any first sale of such natural gas delivered during any month.

Section 109(a)(2) provides:

(a) APPLICATION.—The maximum lawful price computed under subsection (b) shall apply to any first sale of any natural gas delivered during any month, in the case of any natural gas which is not covered by any maximum lawful price under any other section of this subtitle, including—

(2) natural gas committed or dedicated to interstate commerce on the day before the date of the enactment of this Act and for which a just and reasonable rate under the Natural Gas Act was not in effect on such date for the first sale of such natural gas;

Two findings are required to make a pricing determination. First, was the Purdum well gas "committed or dedicated to interstate commerce" on November 8, 1978? Second, was a just and reasonable rate in effect on November 8, 1978 under the Natural Gas Act?

Section 2(18)(A)(ii) establishes a hypothetical test for inclusion within the

scope of the term "committed or dedicated to interstate commerce".¹⁶ It includes "natural gas which, if sold, would be required to be sold in interstate commerce (within the meaning of the Natural Gas Act) under the terms of any contract, any certificate under the Natural Gas Act, or any provision of such Act." The hypothetical *if sold* test is designed to be applied to various dates of reference contained in the operative provisions of the statute. The reference date for Sections 104 and 109(a)(2) is November 8, 1978, the day before the date of NGPA enactment. Since Falcon entered into contracts with Transwestern and Northern on March 17, 1978 and June 6, 1978, respectively, the Purdum gas would have been required to be sold in interstate commerce on November 8, 1978 under the hypothetical "if sold" test.¹⁷ Therefore, the Purdum well gas was "committed or dedicated" on November 8, 1978. This much Falcon concedes.

Some natural gas is excluded from the general definition of "committed or dedicated."¹⁸ The exclusion's application does not turn on hypothetical events, but on the existence in fact of a certain state of affairs on May 31, 1978. If the requisite circumstances existed on May 31, 1978, hypothetical sales on November 8, 1978 are rendered irrelevant by exclusion.

The Purdum well gas may be "committed or dedicated" for two reasons. When Amoco and others originally sought and accepted certificates, the gas was dedicated to interstate commerce under the Natural Gas Act. Ordinarily, this dedication would make the gas "committed or dedicated" under NGPA § 2(18)(A)(ii). The gas is also "committed or dedicated" within the meaning of the NGPA when Falcon signed contracts for its sale in interstate commerce in 1978. For purposes of NGPA § 2(18)(A)(ii) both events brought the Purdum well gas within the general rule. Since the old producer certificates remained in force on November 8, 1978, in the absence of Commission abandonment authority, and Falcon's contracts were in effect, the gas if sold on November 8, 1978, would be required to be sold in interstate commerce under both the certificate and the contracts.

¹⁶ Under the NGPA the terms "committed" and "dedicated" are not accorded separate meanings but are issued to denote one unitary NGPA definition different from the separate notions of "commitment" or dedication under the Natural Gas Act.

¹⁷ In fact we are advised by our technical staff Falcon commenced sales to Transwestern and Northern on August 4, 1978.

¹⁸ NGPA § 2(18)(B)(iii).

As the Purdum well gas falls within the ambit of the general rule for "committed or dedicated" gas under the "if sold" test of NGPA § 2(18)(A)(ii), the Section 2(18)(B)(iii) exclusion is the only exclusion which could possibly result in the gas being not "committed or dedicated" on November 8, 1978 under the facts of this case.

The Section 2(18)(B)(ii) exclusion provides as follows:

(B) Exclusion.—Such term does not apply with respect to—

(iii) natural gas which, but for this clause, would be committed or dedicated to interstate commerce, under subparagraph (A)(ii) by reason of the action of any person (including any successor in interest thereof, other than by means of any reversion of a leasehold interest), if on May 31, 1978—

(I) neither that person, nor any affiliate thereof, had any right to explore for, develop, produce, or sell such natural gas; and

(II) such natural gas was not being sold in interstate commerce (within the meaning of the Natural Gas Act) for resale (other than any sale described in clause (i)(I), (II), or (III)).

We concluded the gas met the "if sold" test of the general rule by virtue of (1) the action of Amoco and others in accepting certificates (and thereafter drilling the well and selling its gas in interstate commerce) from the Commission under the Natural Gas Act and (2) the action of Falcon in contracting to sell the gas in interstate commerce in 1978.

It is clear to us the actions of Amoco under the Natural Gas Act meet the criteria for exclusion. On May 31, 1978 Amoco had no right to explore, develop, produce or sell and gas was not being sold in interstate commerce. Furthermore, Amoco's actions could not be attributed to Falcon as a successor in interest, because Falcon was a successor in interest by way of reversion within the meaning of the NGPA.¹⁹

The second "action" of a "person" we must consider is the execution of contracts by Falcon for sale of the Purdum well gas in interstate commerce. The execution of Falcon's March 17, 1978, contract with Transwestern and its June 6, 1978, contract with Northern are "actions" which would require the gas to be sold in interstate commerce on November 8, 1978. Because no reversion occurred between March 17, 1978, and May 31, 1978, the Section 2(18)(B)(iii)

¹⁹ The term "reversion" in the NGPA was intended to include any process by which a leasehold terminates, including termination by voluntary release. See 18 Cong. Rec. H13116 (1978). In this case Amoco voluntarily surrendered its lease.

exclusion does not apply to Falcon's actions.

Finally, Falcon's comments might be construed to argue the earlier reversion from Amoco to the lessor-leaseholders forever changed the status of this gas from committed or dedicated to *not* committed or dedicated. This would have been true had Falcon not by its own action brought the Purdum well gas within Section 2(18)(A)(ii). Stated as a matter of statutory construction, the phrase "other than by means of any reversion of a leasehold interest" modifies the term "successor in interest" and not the term "person." This construction is confirmed by an explanatory statement offered on the floor of the House of Representatives on October 14, 1978²⁰ which stated:

Finally, the exclusionary limitation "other than by means of any reversion of a leasehold interest" applies solely to the term "including any successor in interest" and is not an exclusion of lessors, who regain the mineral interests through reversion of a mineral lease, from the term "person". Clearly if a person reacquired mineral rights through a reversion and thereafter dedicated the gas to interstate commerce, the exception set forth in clause (iii) would be inapplicable if that person, or any successor in interest of that person, had the right to produce the gas on May 31, 1978.

Section 2(18) contemplates that gas would be required to be sold in interstate commerce for various stated reasons. The Section 2(18)(B)(iii) exclusion merely serves to eliminate some of these possible "actions" from the further application of the "if sold" test. Since Falcon's action is not disqualified by the Section 2(18)(B)(iii) exclusion, the Purdum well gas was indeed "committed or dedicated" on November 8, 1978.

Finally, Falcon argues the second clause of Section 109(a)(2) is met because a just and reasonable rate for this gas could not exist on November 8, 1978 where the gas was not dedicated under the Natural Gas Act. It points to the requirement of actual sales in Section 2(18)(B)(iii)(II). That subsection constitutes part of an exclusion from the general NGPA definition of "committed or dedicated." It has no applicability beyond the exclusion. The general rule turns on an "if sold" test and Section 109(a)(2) applies the test on November 8, 1978. Therefore, even without actual sales the Purdum well gas was "committed or dedicated" on November 8, 1978. There can be no doubt that a just and reasonable national gas rate applicable to the Purdum well gas was

in effect under Opinion 770-A on that date.

Under these facts, Section 104 of the NGPA applies to the Purdum well gas. Consistent with our discussion of Opinion 770-A, this gas is recompletion gas whose price is governed by 18 CFR § 271.402(b)(4)(iv).

IV

We now turn to the order to show cause. The order was issued on December 28, 1977 before the Commission established its Office of Enforcement. It set for hearing several specific questions, the answers to which would show whether the Natural Gas Act had been violated by the old producer, Amoco, and Northern. Northern now moves by separate motion to dismiss the order saying no useful purpose would be served since the settlement returns the gas to interstate commerce. The staff states a *prima facie* case for a finding of violation could be made. Nevertheless, if the parties go along with its view of the proper price at which gas would return to interstate commerce, the staff would not oppose the motion for dismissal of the order in conjunction with the proposed settlement. Proceedings before the presiding judge were held in abeyance pending Commission consideration of the proposed settlement and the motion to dismiss. Finally, it is worth noting that respondent Amoco does not even join in the motion.

However great our desire to encourage settlements of regulatory disputes, we cannot lightly dismiss an order to show cause. We believed a violation might have occurred when we entered the order. We sought answers to questions which would tell us if a violation had taken place. Our practice of setting these matters for hearing has produced a troublesome result in this case. On the one hand we wish to encourage settlements in cases such as this. It is in everybody's best interest to do so. But the dismissal of an enforcement action is another matter. In setting this matter for hearing we asked for argument on whether a willful and knowing violation of the statute or regulations had occurred. If the ALJ had reached such a conclusion, various sanctions might be imposed or the case referred to the Department of Justice. To dismiss the order now would end the matter without reaching any conclusions.

In considering this settlement, the motion to dismiss the order to show cause must stand or fall on its own merits. The record, insofar as it consists

of preliminary filings and the transcript of the pre-hearing conference, contains no basis for terminating the enforcement portion of these proceedings. However, we are inclined to change the manner in which the enforcement matter will proceed. The Commission now has an office of Enforcement. Its job is to evaluate matters such as this. It may choose to investigate informally, seek a formal order of investigation from us, or recommend other action. Such other action may include a recommendation that the public interest does not warrant the allocation of further Commission resources to this case. Therefore, we will withdraw the order to show cause for administrative convenience without prejudice to further enforcement action by the Commission. In doing so, we bring Docket No. CI77-701 and Docket No. CI77-799 to a close. The Office of Enforcement is requested to review the record in those proceedings, using the investigatory tools available to it to supplement the record where necessary, and make a recommendation to us as to whether further enforcement action is warranted.

The Commission orders: (A) The settlement tendered by the parties to these proceedings is approved subject to the pricing determinations set forth in this order. Termination of the abandonment proceedings in Docket Nos. CI77-701 and CI77-799 is granted. Neither the approval of this settlement nor the termination of these proceedings shall prejudice further enforcement action by the Commission.

(B) To the extent this gas was subject to the jurisdiction of the National Gas Act, we find Falcon was eligible to collect the national gas rate set forth in 18 CFR § 2.56 a(a)(5)-(6) with applicable adjustments for sales made prior to December 1, 1978.

(C) The order to show cause contained in our December 28, 1977 order is withdrawn without prejudice to initiation of enforcement action by the Commission or its officers in the future.

(D) The Commission finds Falcon eligible to collect the maximum lawful selling price set forth in Section 104 of the NGPA and 18 CFR § 271.402(b)(4)(iv) of our regulations with applicable adjustments for sales made on and after December 1, 1978.

(E) Within 30 days from the date of this order Falcon shall refund amounts collected in excess of the maximum lawful selling price plus interest at the rate of 9 percent per annum. Falcon shall submit evidence satisfactory to the Office of Producer and Pipeline Regulation (OPPR) that refunds have occurred. Northern and Transwestern

²⁰ 18 Cong. Rec. H13116 (1978).

are ordered to flow-through the refunds received and advise the OPR of its compliance within 30 days of its receipt of the refunds.

By the Commission.
Lois D. Cashell,
Acting Secretary.

[FR Doc. 79-25303 Filed 8-15-79; 9:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-421]

**Tennessee Gas Pipeline Co. and
Tennessee Natural Gas Lines, Inc.;
Application**

August 9, 1979.

Take notice that on July 26, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Tennessee Natural Gas Lines, Inc. (Tennessee Natural), 2008 Parkway Towers, Nashville, Tennessee 37219, filed in Docket No. CP79-421 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing them to transport natural gas for Nashville Gas Company (Nashville), a wholly-owned subsidiary of Tennessee Natural, for a period ending March 31, 1980, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization to render a transportation service which would enable Nashville to avail itself of an underground natural gas storage service proposed by Consolidated Gas Supply Corporation (Consolidated) at Docket No. CP79-379. Specifically, Consolidated by its application in Docket No. CP79-379, proposes to render a storage service for Nashville for the period ending March 31, 1980, with a total storage volume of 600,000 dekatherms equivalent of natural gas and a maximum daily injection and withdrawal of 5,455 dekatherms through the utilization of Consolidated's capacity in the Ellisburg Storage Field in Potter County, Pennsylvania.

In connection with the storage service proposed by Consolidated, Tennessee proposes during the injection period ending October 31, 1979, to receive from Tennessee Natural, at Tennessee's existing sales meter station, delivery points to Tennessee Natural located in Cheatham and Davidson Counties, Tennessee, for transportation and delivery to Consolidated for the account of Nashville up to 5,455 Mcf per day of natural gas not to exceed a total of 600,000 Mcf. These volumes of gas

would be delivered by Tennessee to Consolidated for injection into storage by Consolidated for Nashville, at Tennessee's existing Ellisburg, Pennsylvania sales meter station delivery point to Consolidated. Of the volumes of gas delivered by Tennessee Natural to Tennessee, Tennessee would retain a volume equal to 8.13 percent of the injection volume for its system fuel and use requirements.

Tennessee further proposes, during the November 1, 1979-March 31, 1980 withdrawal period to receive like volumes from Consolidated at Ellisburg and to transport and deliver such volumes to Tennessee Natural at Tennessee's aforementioned delivery points to Tennessee Natural. Tennessee Natural requests authorization to transport on behalf of Nashville, such injection and withdrawal transportation volumes made available to and received from Tennessee by Tennessee Natural.

It is indicated that once Nashville commences participation in the storage service proposed by Consolidated, Tennessee Natural would no longer qualify to purchase gas from Tennessee under Tennessee's G Rate Schedule. Accordingly, Tennessee Natural has requested that it be served under Tennessee's CD-1 Rate Schedule and under a single consolidated gas sales contract with a total contracted demand volume of 154,575 Mcf per day covering both the Nashville and Ashland areas, in lieu of being served under Tennessee's G-1 Rate Schedule and under the two present gas sales contracts for each separate service area. Tennessee has agreed to render such change in service to Tennessee Natural and requests that the certificate issued herein authorize same. Applicants state that such authorization would not result in any increase in the maximum daily or annual volume which Tennessee is presently authorized to sell to Tennessee Natural for its Nashville and Ashland Service Areas. Tennessee Natural requests that the certificate issued herein authorize a change to a CD type service by Tennessee Natural to Nashville with a contracted demand of 139,785 Mcf per day.

Applicants state that the service proposed herein would be performed by Applicants through the utilization of existing pipeline facilities without the need for any additional facilities. Tennessee would perform the service only when, in its sole opinion, its operating conditions so permit. Thus, it is stated, the proposed service would have no effect on the firm services Tennessee renders to its other customers.

It is stated that the rate to be charged Tennessee Natural for the account of Nashville by Tennessee for the transportation service is 26.83 cents per Mcf transported and delivered from Tennessee Natural's Meter Station, MLV 863-1+9.50 miles, Meter No. 2-0312 to Tennessee's existing Ellisburg Storage Meter Station MLV 313-A-202, Meter No. 2-0480. The rate is calculated based upon Tennessee's system average haul cost as reflected in Docket No. RP79-29. Tennessee Natural presently has a rate matter pending in Docket No. CP78-307 and proposes that its service be brought within Rate Schedule T-1 which provides that there is no charge for the transportation of natural gas to its customers if the purchase of the gas is from Tennessee Natural.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-25308 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP72-156 (PGA79-1a)]

**Texas Gas Transmission Corp.;
Extension of Time**

August 9, 1979.

On July 27, 1979, Texas Gas Transmission Corporation filed a motion for an extension of time for filing revised tariff sheets and making refunds pursuant to the Commission's Order of July 18, 1979. The motion states that Texas Gas plans to file for rehearing of the order.

Upon consideration, notice is hereby given that an extension of time is granted for filing of tariff sheets and making refunds to and including thirty from the date upon which the Commission acts on the rehearing application.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-25309 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-76]

**State of West Virginia; Preliminary
Finding**

August 6, 1979.

In the matter of State of West Virginia § 108 NGPA Determination Ashland Exploration, Inc. Eastern Gas & Fuel #22 JD79-10093.

On June 22, 1979, the State of West Virginia, Department of Mines, Oil & Gas Division submitted to the Commission a notice of determination that the Ashland Exploration, Inc., Eastern Gas & Fuel #22 well (JD79-10093) qualifies as a stripper well under section 108 of the Natural Gas Policy Act of 1978 (NGPA).

Generally, a well qualifies as a stripper well under section 108 of the NGPA only if, among other requirements, the well did not produce natural gas at a rate exceeding 60 Mcf per production day during a certain recent 90-day production period. Production day is defined in section 108(b)(3) of the NGPA as any day during which the well produced natural gas, and any day during which natural gas was not produced because of a recognized State conservation practice or an applicable State law.

The record shows that during the 90-day production period, the well produced natural gas at an average rate of 70.57 Mcf per production day for 72 days. The Application did not state that the well was shut-in due to State conservation practices or some State law for the remaining 18 days that the well did not produce during the 90-day period. Accordingly, the determination is not supported by substantial evidence.

In view of the above, the Commission hereby makes a preliminary finding (pursuant to § 275.202(a)(1)(i)) that the determination submitted by the State of West Virginia regarding the subject well is not supported by substantial evidence in the record on which the determination was made.

By Direction of the Commission.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 79-25311 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

**Determinations by Jurisdictional
Agencies Under the Natural Gas Policy
Act of 1978**

August 7, 1979.

The Federal Energy Regulatory Commission received from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the natural gas policy act of 1978.

Louisiana Office of Conservation

1. Control number (F.E.R.C./State)
 2. API Well Number
 3. Section of NGPA
 4. Operator
 5. Well Name
 6. Field or OCS Area Name
 7. County, State or Block No.
 8. Estimated Annual Volume
 9. Date Received at FERC
 10. Purchaser(s)
1. 79-13175/791659
 2. 17-075-22390
 3. 102
 4. Exxon Corporation
 5. S L 212 No. 87-D
 6. Lake Washington
 7. Plaquemines/Parish LA
 8. 15.0 Million Cubic Feet
 9. July 24, 1979
 10. Tennessee Gas Pipeline Co.

**New Mexico Department of Energy and
Minerals, Oil Conservation Division**

1. Control number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.

8. Estimated Annual Volume
 9. Date Received at FERC
 10. Purchaser(s)
1. 79-13203
 2. 30-045-00000
 3. 103
 4. C & E Operators Inc.
 5. Heaton Com #1-A
 6. Blanco MV
 7. San Juan, NM
 8. 250.0 million cubic feet
 9. July 23, 1979
 10. El Paso Natural Gas Company

1. 79-13204
2. 30-045-00000
3. 103
4. C & E Operators Inc.
5. Hampton Com #3A
6. Blanco MV
7. San Juan, NM
8. 100.0 million cubic feet
9. July 23, 1979
10. El Paso Natural Gas Company

1. 79-13205
2. 30-045-00000
3. 103
4. C & E Operators Inc.
5. State Com #1-A
6. Blanco MV
7. Rio Arriba, NM
8. 150.0 million cubic feet
9. July 23, 1979
10. El Paso Natural Gas Company

1. 79-13206
2. 30-025-09563
3. 108
4. ZIA Energy Inc.
5. Toby No. 1
6. Langlie Mattix
7. Lea, NM
8. .0 million cubic feet
9. July 23, 1979
10. El Paso Natural Gas

1. 79-13207
2. 30-025-24443
3. 108
4. John Yuronka
5. Reeves #1
6. Eunice-Monument
7. Lea, NM
8. 12.0 million cubic feet
9. July 23, 1979
10. Phillips Petroleum Company

1. 79-13208
2. 30-045-08203
3. 108
4. Amoco Production Company
5. Valencia Gas Com B #1
6. Basin Dakota
7. San Juan
8. 21.5 million cubic feet
9. July 23, 1979
10. El Paso Natural Gas

**New York Department of Environmental
Conservation Bureau of Mineral Resources**

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume

9. Date Received at FERC
10. Purchaser(s)
1. 79-13165/32
2. 31-013-13118
3. 103
4. Envirogas Inc.
5. Cochrane Farms Inc. #2
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. July 23, 1979
10. National Fuel Gas Supply Corporation
1. 79-13166/30
2. 31-013-13218
3. 103
4. Envirogas, Inc.
5. Caldwell #2
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. July 23, 1979
10. National Fuel Gas Supply Corporation
1. 79-13167/29
2. 31-013-13217
3. 103
4. Envirogas, Inc.
5. Caldwell #1
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. July 23, 1979
10. National Fuel Gas Supply Corporation
1. 79-13168/28
2. 31-013-12856
3. 103
4. Envirogas, Inc.
5. Buss #1
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. July 23, 1979
10. National Fuel Gas Supply Corporation
1. 79-13169/27
2. 31-013-13216
3. 103
4. Envirogas, Inc.
5. Bostwick #1
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. July 23, 1979
10. National Fuel Gas Supply Corporation
1. 79-13170/26
2. 31-013-13035
3. 103
4. Envirogas Inc.
5. Baran #2
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. July 23, 1979
10. National Fuel Gas Supply Corporation
1. 79-13171/384
2. 31-013-13620
3. 102
4. Bounty Oil & Gas Inc.
5. Alfon Nygren #1
6. Busti
7. Chautauqua, NY
8. 22.0 million cubic feet
9. July 23, 1979
10. National Fuel Gas Distrib. Corp.
1. 79-13172/25
2. 31-013-12880
3. 103
4. Envirogas, Inc.
5. Baran #1
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. July 23, 1979
10. National Fuel Gas Supply Corporation
1. 79-13173/24
2. 31-013-13548
3. 102
4. Envirogas, Inc.
5. J. Orton #2
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. July 23, 1979
10. National Fuel Gas Supply Corporation
1. 79-13173/23
2. 31-013-13746
3. 102
4. Envirogas Inc.
5. Akin #1
6. Wildcat
7. Chautauqua, NY
8. 18.0 million cubic feet
9. July 23, 1979
10. National Fuel Gas Supply Corporation
West Virginia Department of Mines, Oil and Gas Division
1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NFPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 79-13176
2. 47-097-20712
3. 108
4. Union Drilling Inc
5. Harold Casto #2 1051
6. Warren District
7. Upshur, WV
8. 1.9 Million Cubic Feet
9. July 24, 1979
10. Columbia Gas Transmission Corp
1. 79-13177
2. 47-097-20738
3. 108
4. Union Drilling Inc
5. A M Tharp 1058
6. Buckhannon District
7. Upshur, WV
8. 4.8 Million Cubic Feet
9. July 24, 1979
10. Columbia Gas Transmission Corp
1. 79-13178
2. 47-097-20777
3. 108
4. Union Drilling Inc
5. Gerald Hinkle 1065
6. Buckhannon District
7. Upshur, WV
8. 4.8 Million Cubic Feet
9. July 24, 1979
10. Columbia Gas Transmission Corp
1. 79-13179
2. 47-097-20782
3. 108
4. Union Drilling Inc
5. H A Casto #2 1067
6. Warren District
7. Upshur, WV
8. 3.3 Million Cubic Feet
9. July 24, 1979
10. Columbia Gas Transmission Corp
1. 79-13180
2. 47-097-20786
3. 108
4. Union Drilling Inc
5. Burton Cutright 1070
6. Buckhannon District
7. Upshur, WV
8. 5.6 Million Cubic Feet
9. July 24, 1979
10. Columbia Gas Transmission Corp
1. 79-13181
2. 47-097-20599
3. 108
4. Union Drilling Inc
5. B N Booth #2 1014
6. Warren District
7. Upshur, WV
8. 4.3 Million Cubic Feet
9. July 24, 1979
10. Columbia Gas Transmission Corp
1. 79-13182
2. 47-097-20618
3. 108
4. Union Drilling Inc
5. Nellie Mick 1025
6. Warren District
7. Upshur, WV
8. 1.0 Million Cubic Feet
9. July 24, 1979
10. Columbia Gas Transmission Corp
1. 79-13183
2. 47-097-20648
3. 108
4. Union Drilling Inc
5. W W Warner 1032
6. Warren District
7. Upshur, WV
8. 2.9 Million Cubic Feet
9. July 24, 1979
10. Columbia Gas Transmission Corp
1. 79-13184
2. 47-001-20552
3. 108
4. Union Drilling Inc
5. ADA M Cleavenger 1242
6. Pleasant District
7. Barbour, WV
8. 17.4 Million Cubic Feet
9. July 24, 1979
10. Consolidated Gas Supply Corp
1. 79-13185
2. 47-001-20550
3. 108
4. Union Drilling Inc
5. Ruth Corder Haney 1243
6. Elk District
7. Barbour, WV
8. .5 Million Cubic Feet
9. July 24, 1979
10. Consolidated Gas Supply Corp
1. 79-13186
2. 47-041-20854
3. 108
4. Union Drilling Inc
5. A J Gould 1039
6.

7. Lewis, WV
 8. 4.4 Million Cubic Feet
 9. July 24, 1979
 10. Columbia Gas Transmission Corp
 1. 79-13187
 2. 47-097-20219
 3. 108
 4. Union Drilling Inc
 5. Coleman Alkire 1081
 6. Banks District
 7. Upshur, WV
 8. 8.8 Million Cubic Feet
 9. July 24, 1979
 10. Columbia Gas Transmission Corp
 1. 79-13188
 2. 47-097-20137
 3. 108
 4. Union Drilling Inc
 5. L F Simons 1071
 6. Banks District
 7. Upshur, WV
 8. 2.7 Million Cubic Feet
 9. July 24, 1979
 10. Columbia Gas Transmission Corp
 1. 79-13189
 2. 47-091-20122
 3. 108
 4. Union Drilling Inc
 5. James B Pepper #3 1363
 6. Flemington District
 7. Taylor, WV
 8. 4.9 Million Cubic Feet
 9. July 24, 1979
 10. Fourco Glass Co
 1. 79-13190
 2. 47-001-20696
 3. 108
 4. Union Drilling Inc
 5. Jacobs & McCauley 1334
 6. Pleasant District
 7. Barbour, WV
 8. 4.4 Million Cubic Feet
 9. July 24, 1979
 10. Consolidated Gas Supply Corp
 1. 79-13191
 2. 47-097-20492
 3. 108
 4. Union Drilling Inc
 5. Major & Brent Hinkle 1007
 6. Warren District
 7. Upshur, WV
 8. 2.7 Million Cubic Feet
 9. July 24, 1979
 10. Columbia Gas Transmission Corp
 1. 79-13192
 2. 47-097-20364
 3. 108
 4. Union Drilling Inc
 5. Walter Bailey 1085
 6. Banks District
 7. Upshur, WV
 8. 15.2 Million Cubic Feet
 9. July 24, 1979
 10. Columbia Gas Transmission Corp
 1. 79-13193
 2. 47-097-20269
 3. 108
 4. Union Drilling Inc
 5. R J Moore 1002
 6. Banks District
 7. Upshur, WV
 8. 3.4 Million Cubic Feet
 9. July 24, 1979
 10. Columbia Gas Transmission Corp

1. 79-13194
 2. 47-001-20766
 3. 108
 4. Union Drilling Inc
 5. Nestor Carl Hardin 1371
 6. Elk District
 7. Barbour, WV
 8. 6.1 Million Cubic Feet
 9. July 24, 1979
 10. Consolidated Gas Supply Corp
 1. 79-13195
 2. 47-001-20698
 3. 108
 4. Union Drilling Inc
 5. James K Cleavenger Hrs 1336
 6. Pleasant District
 7. Barbour, WV
 8. 19.8 Million Cubic Feet
 9. July 24, 1979
 10. Consolidated Gas Supply Corp
 1. 79-13196
 2. 47-001-20534
 3. 108
 4. Union Drilling Inc
 5. Virginia McDonald 1230
 6. Pleasant District
 7. Barbour, WV
 8. 4.4 Million Cubic Feet
 9. July 24, 1979
 10. Consolidated Gas Supply Corp

U.S. Geological Survey Metairie, La.

1. Control Number (F.E.R.C./State)
 2. API Well Number
 3. Section of NGPA
 4. Operator
 5. Well Name
 6. Field or OCS Area Name
 7. County, State or Block No.
 8. Estimated Annual Volume
 9. Date Received at FERC
 10. Purchaser(s)
 1. 79-13197/8234
 2. 17-702-40388-0000-0
 3. 102 denied
 4. Pennzoil Oil & Gas Inc
 5. Mobil Oil Corp A-8A
 6. West Cameron SA
 7. 617
 8. 8239.0 million cubic feet
 9. July 23, 1979
 10. Sea Robin Pipeline Co
 1. 79-13198/8232
 2. 17-702-40383-0000-0
 3. 102 denied
 4. Pennzoil Oil & Gas Inc
 5. Mobil Oil Corp A-6A
 6. West Cameron SA
 7. 617
 8. 2264.0 million cubic feet
 9. July 23, 1979
 10. Sea Robin Pipeline Co
 1. 79-13199/8233
 2. 17-702-40367-0000-0
 3. 102 denied
 4. Pennzoil Oil & Gas Inc
 5. Mobil Oil Corp A-3A
 6. West Cameron SA
 7. 617
 8. 4009.0 million cubic feet
 9. July 23, 1979
 10. Sea Robin Pipeline Co
 1. 79-13200/8216
 2. 17-704-40320-0000-0

3. 102
 4. Pennzoil Oil & Gas Inc
 5. Pennzoil Co C-8D
 6. South Marsh Island SA
 7. 128
 8. 120.0 million cubic feet
 9. July 23, 1979
 10. Sea Robin Pipeline Co

Osage Agency, Bureau of Indian Affairs, Osage County, Okla.

1. Control Number (F.E.R.C./State)
 2. API Well Number
 3. Section of NGPA
 4. Operator
 5. Well Name
 6. Field or OCS Area Name
 7. County, State or Block No.
 8. Estimated Annual Volume
 9. Date Received at FERC
 10. Purchaser(s)
 1. 79-13209
 2. 35-113-00000-0000-0
 3. 108
 4. Getty Oil Company
 5. SE/4 Section 1-23N-8E #1
 6. Manion North
 7. Osage, OK
 8. 2.0 million cubic feet
 9. July 23, 1979
 10. Transok Pipeline Company
 1. 79-13210
 2. 35-113-00000-0000-0
 3. 108
 4. Getty Oil Company
 5. SE/4 Section 1-23N-8E #2
 6. Manion North
 7. Osage, OK
 8. 2.0 million cubic feet
 9. July 23, 1979
 10. Transok Pipeline Company
 1. 79-13211
 2. 35-113-20067-0000-0
 3. 108
 4. Getty Oil Company
 5. SE/4 Section 1-23N-8E #3
 6. Manion North
 7. Osage, OK
 8. 2.0 million cubic feet
 9. July 23, 1979
 10. Transok Pipeline Company
 1. 79-13212
 2. 35-113-00000-0000-0
 3. 108
 4. Getty Oil Company
 5. SE/4 Section 1-23N-8E #5
 6. Manion North
 7. Osage, OK
 8. 2.0 million cubic feet
 9. July 23, 1979
 10. Transok Pipeline Company
 1. 79-13213
 2. 35-113-21322-0000-0
 3. 108
 4. Getty Oil Company
 5. SE/4 Section 1-23N-8E #12
 6. Manion North
 7. Osage, OK
 8. 2.0 million cubic feet
 9. July 23, 1979
 10. Transok Pipeline Company
 1. 79-13214
 2. 35-113-21673-0000-0
 3. 108

4. Getty Oil Company
5. SE/4 Section 1-23N-8E #14
6. Manion North
7. Osage, OK
8. 2.0 million cubic feet
9. July 23, 1979
10. Transok Pipeline Company

1. 79-13215
2. 35-113-21968-0000-0
3. 108

4. Getty Oil Company
5. SW/4 Section 6-23N-9E #1
6. Manion North
7. Osage, OK
8. 5.0 million cubic feet
9. July 23, 1979
10. Transok Pipeline Company

1. 79-13216
2. 35-113-00000-0000-0
3. 108

4. Getty Oil Company
5. SE/4 Section 1-23N-8E #6
6. Manion North
7. Osage, OK
8. 2.0 million cubic feet
9. July 23, 1979
10. Transok Pipeline Company

1. 79-13217
2. 35-113-20435-0000-0
3. 108

4. Getty Oil Company
5. SE/4 Section 1-23N-8E #10
6. Manion North
7. Osage, OK
8. 2.0 million cubic feet
9. July 23, 1979
10. Transok Pipeline Company

1. 79-13218
2. 35-113-00000-0000-0
3. 108

4. Getty Oil Company
5. SE/4 Section 1-23N-8E #11
6. Manion North
7. Osage, OK
8. 2.0 million cubic feet
9. July 23, 1979
10. Transok Pipeline Company

The application for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons Objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the commission within fifteen (15) days of the date of publication of this notice in the **Federal Register**.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-23312 Filed 8-15-79; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-4]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: August 13, 1979.

Cutoff Date: September 24, 1979.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after September 24, 1979. 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 24, 1979 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on September 24, 1979.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on September 24, 1979.

Federal Communications Commission,
William J. Tricarico,
Secretary.

BPH-10639 (new), Gatlinburg, Tennessee, Vacation Media, Inc., Req: 105.5 MHz; Channel No. 288A, ERP: .225 kw; HAAT: 911 Ft.

BPH-780911AD (new), Tillamook, Oregon, Beaver Broadcasting System, Inc., Req: 104.1 MHz; Channel No. 281C, ERP: 69 kw; HAAT: 2214 Ft.

BPH-781228AF (WXRC), Hickory, North Carolina, Foothills Broadcasting, Inc., Has: 95.7 MHz; Channel No. 239C, ERP: 27kw; HAAT: 350 Ft. (LIC), Reg: 95.7 MHz; Channel No. 234C, ERP: 100 kw; HAAT: 327 Ft.

BPH-790209AC (new), Yoakum, Texas; Jim T. Payne, Req: 102.3 MHz; Channel No. 272A, ERP: 3 kw; HAAT: 300 Ft.

BPH-790213AG (new), Menominee, Michigan, C/JL Broadcasting, Inc., Req.: 106.3 MHz; Channel No. 292A ERP: 3 kw; HAAT: 300 Ft.

BPH-790430AH (WMTF-FM), Lewistown, Pennsylvania, Muffin County Broadcasting Company Has: 95.9 MHz; Channel No. 240A, ERP: 2.8 kw; HAAT: 55 Ft. (LIC); Reg:

95.9 MHz; Channel No. 240A, ERP: 2.75 KW; HAAT: 172 Ft.

BPH-790503AB (new), Ontario, Oregon, Blue Mountain Broadcasting Company, Req: 93.1 MHz; Channel No. 226C, ERP: 50 kw; HAAT: 2687 Ft.

BPH-790504AB (new), Montrose, Colorado, Sierra Linda Broadcasting, Inc., Req: 96.1 MHz; Channel No. 241C, ERP: 64.7 kw; HAAT: 1679 Ft.

BPH-790504AD (new), New Albany, Mississippi, Jack A. Carpenter, Req: 106.3 MHz; Channel No. 292A, ERP: 3 kw; HAAT: 300 Ft.

BPH-790507AO (KQXY), Beaumont, Texas, Air Waves, Inc., Has: 94.1 MHz; Channel No. 231C, ERP: 69 kw; HAAT: 600 Ft. (LIC) Req: 94.1 MHz; Channel No. 231C, ERP: 100 kw; HAAT: 198.4 Ft.

BPH-790508AB (new), Imperial California, Richard E. Green, Req: 99.3 MHz; Channel No. 257A, ERP: 3 kw; HAAT: 198.4 Ft.

BPH-790511AA (KICS-FM), Hastings, Nebraska, Highwood Broadcasting Company, Has: 93.5 MHz; Channel No. 228A, ERP: 3kw; HAAT: 155 Ft. (LIC), Req: 93.5 MHz; Channel No. 228A, ERP: 3 kw; HAAT: 260 Ft.

BPH-790515AH (WSMI-FM), Litchfield, Illinois, Talley Broadcasting Corporation, Has: 106.1 MHz; Channel No. 291B, ERP: 19.5 kw; HAAT: 175 Ft. (LIC), Req: 106.1 MHz; Channel No. 291B, ERP: 50 kw; HAAT: 460 Ft.

BPH-790521AB (new), Lincoln City, Oregon, Rainbow Broadcasting Corp., Req: 96.7 MHz; Channel No. 244A, ERP: .610 kw; HAAT: 670 Ft.

BPH-790529AD (KHUB-FM), Freemont, Nebraska, KHUB, Inc., Has: 105.5 MHz; Channel No. 288A, ERP: 3 kw; HAAT: 56 Ft. (LIC), Reg: 105.5 MHz; Channel No. 288A, ERP: 1.2 kw; HAAT: 449 Ft.

BPH-790601AI (KHUT), Hutchinson, Kansas, Nation's Center B/Cting Co., Inc., Has: 102.9 MHz; Channel No. 275C, ERP: 28.5 kw; HAAT: 155 Ft. (LIC), Req: 102.9 MHz; Channel No. 275C, ERP: 97.7 kw; HAAT: 425 Ft.

BPED-781204AE (WWPH), Princeton Junction, New Jersey, West Windsor Plainsboro Reg Sch Dist., Has: 90.3 MHz; Channel No. 212D, Tpo: .01 kw (LIC), Req: 107.9 MHz; Channel No. 300D, Tpo: .01 kw; HAAT: 27.4 Ft.

BPED-790214AE (new), Owensboro, Kentucky, Western Kentucky University, Req: 89.5 MHz; Channel No. 208C, ERP: 100 kw; HAAT: 300 Ft.

BPED-790305AL (new), Cumming, Georgia, Curriculum Development Foundation, Inc., Req: 89.5 MHz; Channel No. 208C, ERP: .400 kw; HAAT: 912 Ft.

BPED-790618AI (new), Yakima, Washington, Yakima School District No. 7, Req: 88.5 MHz; Channel No. 203A, ERP: 3 kw; HAAT: -254 Ft.

BPED-790705AJ (new), Marietta, Georgia, Southern Technical Institute, Req: 102.5 MHz; Channel No. 273D, ERP: .016 kw; HAAT: 155 Ft.

BMPED-790606AB (WVCP), Gallatin, Tennessee, Volunteer State Community College, Has: 88.3 MHz; Channel No. 202A, ERP: .40 kw; HAAT: 6 Ft. (CP), Req: 88.5

MHZ; Channel No. 203A, ERP: 1 kw; HAAT: 394 Ft.

[FR Doc. 79-25360 Filed 8-15-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 79-82]

Pier Services, Inc., and Portside Refrigerated Terminals, Inc.; Filing of Complaint

Notice is given that a complaint filed by Pier Services, Inc. against Portside Refrigerated Terminals, Inc. was served August 8, 1979. Complaint alleges that respondent has sought to assess charges for alleged services at its dockside refrigerated warehouse facility in Philadelphia which are violative of sections 16 and 17 of the Shipping Act, 1916 (46 U.S.C. 815, 816), and further, that respondent has entered into a partnership agreement with Robideau Portside Services without filing with the Commission in violation of section 15 of the Shipping Act, 1916 (46 U.S.C. 814).

Hearing in this matter, if any is held, shall commence on or before February 8, 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. 79-25379 Filed 8-15-79; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

National Advisory Committee on Black Higher Education and Black Colleges and Universities; Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the eleventh meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is required under Section 10(a)(2) of the

Federal Advisory Committee Act (5 U.S.C. Appendix 1). This document is intended to notify the general public of their opportunity to attend.

DATE: September 10 and 11, 1979, 9 a.m. to 5 p.m.

ADDRESS: Plaza Ballroom, Holiday Inn of Silver Spring, 8777 Georgia Avenue, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Ms. Carol J. Smith, Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities, Suite 706, 1100 17th Street N.W., Washington, D.C. 20036, AC 202 653-7558.

The National Advisory Committee on Black Higher Education and Black Colleges and Universities is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees.

The Committee is directed to advise the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, and the Commissioner of Education. The Committee shall examine all approaches to higher education of Black Americans as well as the needs of historically Black colleges and universities.

The meeting on September 10 and 11, 1979, will be open to the public beginning at 9 a.m. each day. The meeting will be held at the Holiday Inn of Silver Spring, 8777 Georgia Avenue, Silver Spring, Maryland 20910.

The proposed agenda will include approval of the final draft of the report on Institutional Diversity; discussion of the final outline of the 25-Year Plan to enhance opportunities for Blacks in higher education; and review of commissioned research.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the National Advisory Committee on Black Higher Education and Black Colleges and Universities located at 1100 17th Street, N.W., Suite 706, Washington, D.C. 20036.

Signed at Washington, D.C. on August 13, 1979.

Carol J. Smith,

Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities.

[FR Doc. 79-25313 Filed 8-15-79; 8:45 am]

BILLING CODE 4110-02-M

National Institutes of Health

Report of the Grants Peer Review Study Team; Availability

The second and final phase of the Report of the Grants Peer Review Study Team (GPRST) has been completed and transmitted to the Director, NIH.

The Phase II Report supplements the three volume Phase I Report and provides an in-depth analysis of opinions on the grants peer review system received in the form of letters, testimony of witnesses given at three public hearings, and responses to a survey of members of the 1975-1976 NIH peer review groups.

Copies of the Phase II report are being forwarded to all participants whose opinions and comments provided the basis for the analysis.

A *Summary Report* is also available for distribution. For a copy of the *Summary* or *full report*, please write to: Office of Grants Inquiries, Division of Research Grants, National Institutes of Health, Westwood Building, Room 448, Bethesda, MD 20205.

Dated: August 1, 1979:

Donald S. Fredrickson,
Director, National Institutes Health.

[FR Doc. 79-25259 Filed 8-15-79; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR Fish and Wildlife Service

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take manatees as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 18), and the Endangered Species Act of 1973 (16 U.S.C. 1531-1539) and the Regulations Governing the Taking of Endangered Species (50 CFR 17).

1. Applicant: a. Name—Ursula Rowlett, MD.
- b. Address—Department of Pathology, Abraham Lincoln School of Medicine, 1853 W. Polk St., Chicago, Illinois 60612.
2. Type of Permit: Marine Mammal and Endangered Species.
3. Name and Number of Animals: Dugong (*Dugong dugon*), 35.
4. Type of Activity: Import.
5. Location of Activity: Chicago, Illinois.
6. Period of Activity: Import will take place as soon as possible after permit is issued.

The purpose of this application is to import 35 dugong hearts taken from dugongs found dead in the wild and

preserved in formalin. The hearts will be studied as part of an overall study on the anatomy of hearts of marine mammals.

Concurrent with the publication of this notice in the *Federal Register* the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee on Scientific Advisors.

The application has been assigned file number PRT 2-4371. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, within 30 days of the publication of this notice. 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 Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia 22203.

Dated: August 8, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 79-25294 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Sea World of Florida, 7007 Sea World Dr., Orlando, Florida 32809; PRT 2-4395.

The applicant requests a permit to import in a noncommercial transaction three captive-born white-winged wood ducks (*Cairina scutulata*) from the Wildfowl Trust, Slimbridge, England for enhancement of propagation.

Applicant: Bernice P. Bishop Museum, 1355, Kalihi St., P.O. Box 19000-A, Honolulu, Hawaii 96819; PRT 2-4496.

The applicant requests a permit to export and re-import dead museum specimens of endangered and threatened wildlife that have already been accessioned into museum's collection on a loan basis to other

natural history museums for scientific research. The applicant also requests authorization to salvage endangered and threatened species found dead in the field for accession into the museum's collection.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address.

Dated: August 9, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-25295 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112; PRT 2-4441.

The applicant requests a permit to purchase in interstate commerce one male black and white ruffed lemur (*Lemur variegatus*) from the Duke University Primate Center, Durham, North Carolina for enhancement of propagation.

Applicant: Detroit Zoological Park, 8450 W. Ten Mile Rd., P.O. Box 39, Royal Oak, Michigan 48068; PRT 2-4508.

The applicant requests a permit to export in foreign commerce one female snow leopard (*Panthera uncia*) to the Assiniboine Park Zoo, Winnipeg, Manitoba, Canada for enhancement of propagation.

Applicant: Kansas City Zoological Park, Swope Park, Kansas City, Missouri 64132; PRT 2-4503.

The applicant requests a permit to export in foreign commerce one male orangutan (*Pongo pygmaeus*) to the Ruhr Zoo, West Germany for enhancement of propagation.

Applicant: San Diego Wild Animal Park, Rt. 1, Box 725E, Escondido, California 92025; PRT 2-4509.

The applicant requests a permit to export in foreign commerce four slender-horned gazelle (*Gazella leptoceros*) to the Centro De Rescate De La Fauna Sahariana, Almeria, Spain for enhancement of propagation.

Applicant: San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112; PRT 2-4554.

The applicant requests a permit to purchase in interstate commerce one male cheetah (*Acinonyx jubatus*) from the St. Louis Zoological Park, St. Louis, Missouri for enhancement of propagation.

Applicant: Minnesota Zoological Garden, 12101 Johnny Cake Ridge Rd., Apple Valley, Minnesota 55124; PRT 2-4551.

The applicant requests a permit to import in foreign commerce one female clouded leopard (*Neofelis nebulosa*) from the Dresden Zoo, German Democratic Republic for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address.

Dated: August 8, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-25296 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-55-M

Threatened Species Permit; Receipt of Permit Renewal Request; Riverbanks Zoological Park

Applicant: Riverbanks Zoological Park, 500 Wildlife Parkway, Columbia, South Carolina 29202.

The applicant wishes to renew their Captive-Self Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of mammals listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are

available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

This application has been assigned file number PRT 2-1023. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before September 17, 1979. Please refer to the file number when submitting comments.

Dated: August 9, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-25297 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[AA-26417]

Alaska; Proposed Withdrawal and Reservation of Lands

The Geological Survey, Department of the Interior, on June 26, 1979, filed application, serial No. AA-26417, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, subject to valid existing rights:

U.S. Survey No. 2545, Alaska, excepting:

Tract A, Excluded by Proclamation 2965

Beginning at corner No. 6 of U.S. Survey No. 2545, which is corner No. 9 of U.S. Survey No. 407, Tract B, corner No. 2 of U.S. Survey No. 1473, corner No. 4 of U.S. Survey No. 1804, and corner No. 1 of U.S. Survey No. 1558, from which U.S.R.L.M. No. 1 bears S. 66°28'53" W., 3,170.64 feet distant and corner No. 1, M.C., of U.S. Survey No. 1258 bears S. 26°08'06" E., 2,241.36 feet distant.

From the initial point with south line of U.S. Survey No. 2545 and north line of U.S. Survey No. 1804, this line being north line of Observatory Road, so-called, N. 15°45' W., 35.74 feet, more or less, to the true point of beginning, thence N. 60°22' W., 260.00 feet; thence leaving south line of U.S. Survey No. 2545 and continuing along north line of said road, N. 32°38' W., 105.00 feet, thence leaving the said road, N. 70°22' E., 213.60 feet to a point in the west line of U.S. Survey No. 1558; thence with the west line of U.S. Survey No. 1558, S. 15°45' E., 300.01 feet to the true point of beginning. The tract as described contains 0.880 acres, more or less.

Tract B, Excluded by Public Land Order 1707

Beginning at corner No. 5, U.S. Survey No. 2545, also being corner No. 2, U.S. Survey No. 1558, thence S. 15°45' E., 242.6 feet along line 1-2, U.S. Survey 1558, thence S. 70°30' W., 233.0 feet, thence N. 30°00' W., 100.0 feet,

thence N. 37°00' W., 100.0 feet, thence N. 43°00' W., 11.2 feet, thence N. 63°18' E., 304.0 feet to point of beginning. The area described contains 1.37 acres, more or less.

The proposed withdrawal contains 117.37 acres, more or less.

The applicant agency desires that the lands be withdrawn and reserved for continued use as a seismic and magnetic observatory. The described lands have been withdrawn for the same purpose since August 16, 1941 by Executive Order No. 8854. The withdrawal will transfer jurisdiction of the land from the U.S. Coast and Geodetic Survey, Department of Commerce, to the Geological Survey, Department of the Interior.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before September 10, 1979.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513, on or before September 10, 1979. Notice of the public hearing will be published in the *Federal Register* giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the

Federal Register. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 7252.

Effective August 16, 1979, the above-described lands shall be 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. The segregative effect of this proposed withdrawal shall continue for a period of 2 years, unless sooner terminated by action of the Secretary of the Interior. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, 701 C Street, Box 13, Anchorage, Alaska 99513.

Robert E. Sorenson,

Chief, Branch of Lands and Minerals Operations.

cc:

Public Service (941).
Public Affairs (912).
Congressional Delegation.
District Recorder, Box 910 Sitka, Alaska 99835.
U.S. Post Office, Angoon, Alaska 99820.
U.S. Post Office, Douglas, Alaska 99824.
U.S. Post Office, Gustavus, Alaska 99826.
U.S. Post Office, Juneau, Alaska 99801.
U.S. Post Office, Pelican, Alaska 99832.
U.S. Post Office, Point Baker, Alaska 99927.
U.S. Post Office, Tenakee Springs, Alaska 99841.
U.S. Post Office, Auke Bay, Alaska 99821.
U.S. Post Office, Elfin Cove, Alaska 99825.
U.S. Post Office, Hoonah, Alaska 99829.
U.S. Post Office, Kake, Alaska 99830.
U.S. Post Office, Petersburg, Alaska 99833.
U.S. Post Office, Point Alexander, Alaska 99836.

[FR Doc. 79-25331 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-84-M

Montana, North Dakota, and South Dakota; Final Decision, Initial Wilderness Inventory

August 9, 1979.

Authority: This decision is issued under the authority of section 603 of the Federal Land Policy and Management Act of October 21, 1976, and the guidelines provided in Step 3 of the "Wilderness Inventory Handbook" dated September 27, 1978, issued by the

U.S. Department of the Interior, Bureau of Land Management.

Background: This decision constitutes the final step in the initial wilderness inventory. The intent of the initial inventory as outlined in Steps 2 and 3 of the "Wilderness Inventory Handbook" is to identify those lands which clearly and obviously do not meet the criteria for wilderness study and to retain for further study, those lands which may contain wilderness characteristics.

The initial inventory was begun in the three state area in November 1978, by examining readily available information such as District road plans, aerial photographs and by utilizing available knowledge of BLM administered lands. All public lands in Montana, North Dakota and South Dakota were included in inventory units in the initial inventory. A written analysis (situation evaluation) was prepared for each area as inventory units were established. These units were placed in one of two categories as set forth in Section 2C of the Wilderness Act of 1964. These categories were:

1. Areas that may possibly meet wilderness criteria and should receive further analysis.
2. Areas that clearly and obviously do not meet the criteria for identification as wilderness study areas.

A proposed initial inventory decision was announced in the Federal Register March 1, 1979. Maps and narrative materials (situation evaluations) which identified the inventory units and specific proposals were available to the public April 1, 1979. This was followed by a ninety day public comment period which terminated June 30, 1979. Twenty public meetings and five open houses were held during the comment period in order to solicit public input. During this period, more than 500 written and oral comments were received. These comments were analyzed using a content analysis process and carefully considered in arriving at the final inventory decision.

Decision: After careful analysis of public comments and review of the initial inventory findings, it is determined that the BLM administered lands (state and private lands excluded from acreage) in Montana, North Dakota and South Dakota shall be placed into two categories as follows:

1. Public lands that clearly and obviously do not meet the criteria for identification as wilderness study areas.

A. The following units are public lands which were determined to be too small in size, were roaded or where apparent naturalness was lacking and which were proposed to be dropped in

the April 1 public map and supplemental materials release. Please note that the lands in North Dakota and South Dakota are included in the Miles City District listing.

These units are:

Unit No.	Name	Acreage
Butte District:		
MT-005	Heifer Creek	5,260
MT-012	East Fork Little Sheep Creek	600
MT-013	Lima Peaks	2,240
MT-016	Fish Creek	7,370
MT-018	Deadman Creek	2,850
MT-019	Meadow Creek	1,000
MT-020	Coyote Lakes	1,200
MT-021	Caboose Canyon	8,500
MT-030	Timber Butte	9,880
MT-032	Red Butte	5,350
MT-035	Berry Creek	70
MT-036	Miner Lake	105
MT-037	Swamp Creek	520
MT-038	Rock Creek	600
MT-039	Plimpton Creek	40
MT-040	Thompson Creek West	41
MT-041	Thompson Creek East	160
MT-044	Lima Reservoir Island	2
MT-045	Clark Canyon Reservoir Island South	20
MT-046	Clark Canyon Reservoir Island North	25
MT-048	Titan Gulch Islands	1
MT-049	Pigeon Creek	560
MT-050	Dry Creek	160
MT-052	Camp Creek North	7,800
MT-053	Big Mountain	960
MT-055	Rock Springs Ranch	5,500
MT-056	Brown's Gulch	5,500
MT-057	Angler's Paradise Island	4
MT-060	Willow Creek	6,500
MT-061	Soda & Mill Island	50
MT-062	Point of Rocks Island	10
MT-065	Dry Gulch	1,260
MT-066	Georgia Gulch	1,200
MT-067	Mill Gulch	2,100
MT-068	Jasmine Creek	4,600
MT-072	Belmont	4,940
MT-075	Sugar Loaf Mountain	3,400
MT-078	Upper Bear Trap Island	1
MT-083	Papoose Creek	220
MT-085	Patton Gulch Islands	2
MT-086	Fishtrap Islands	3
MT-087	Sawlog Creek Islands	6
MT-101	Black Leaf Canyon	37
MT-103	Indian Head Rock	78
MT-104	Ear Mountain	765
MT-108	Sawtooth	68
MT-109	Smith Creek	244
MT-112	Lazyman Gulch	705
MT-113	Specimen Creek/Trail Creek	1,000
MT-116	Limestone Hills East	11,800
MT-117	Limestone Hills West	9,333
MT-122	Tenderfoot/Deep Creek	2,819
MT-127	Pilgrim Creek	185
MT-128	Highwood Baldy	122
MT-129	North Fork, Smith River	560
MT-130	Spring Creek	280
MT-131	Bluff Mountain	48
MT-132	North Absaroka/Suce Creek	360
MT-135	North Absaroka/Dome Mountain	240
MT-136	North Absaroka/Chico/Six Mile	2,198
MT-137	Chico Peak	40
MT-139	North Absaroka/Mill Creek	449
MT-152	Nevada Mountain	105
MT-153	Silver King	2,060
MT-154	Quigg	4,590
MT-155	Stony Mountain	160

Unit No.	Name	Acreage
MT-157-8-9	Lower Stillwater Island & Horseshoe Lake Islands	3
MT-090	Big Hole Scattered Tracts	6,551
MT-091	Rochester Scattered Tracts	147,506
MT-092	Ruby Scattered Tracts	154,076
MT-093	Dillon West Scattered Tracts	270,493
MT-094	Tendoy Scattered Tracts	111,216
MT-095	Blacktail Scattered Tracts	206,668
MT-096	Centennial Scattered Tracts	70,483
MT-097	Madison Scattered Tracts	38,556
MT-170	Blackfoot Scattered Tracts	82,291
MT-171	Hoodoo Scattered Tracts	40,307
MT-172	Phillpeburg Scattered Tracts	22,497
MT-173	Avon Scattered Tracts	1,288
MT-174	Salmon Lake Scattered Tracts	680
MT-180	Teton River Scattered Tracts	18,284
MT-181	East Slope Scattered Tracts	15,994
MT-182	Cascade Scattered Tracts	25,556
MT-183	Gates of the Mountains Scattered Tracts	26,515
MT-184	Marysville Scattered Tracts	26,902
MT-185	Jefferson Scattered Tracts	94,654
MT-186	Broadwater Scattered Tracts	62,079
MT-187	Meagher Scattered Tracts	10,580
MT-188	Three Forks Scattered Tracts	8,611
MT-189	Park Scattered Tracts	13,376
Lewistown District:		
MT-202	Weatherman Draw	6,033
MT-203	Jack Creek	7,975
MT-208/209	Stillwater Islands	
MT-213	Lake Mason	9,516
MT-214	Little Wall Creek	5,766
MT-215	Billings Scattered Tracts	339,805
MT-218	Northern Tier Scattered Tracts	4,120
MT-219	Little Box Elder Creek	5,750
MT-220	Cat Creek	7,300
MT-226	Dry Armalls	8,250
MT-230	Carroll Coulee	6,000
MT-235	Little Crooked Creek	16,000
MT-241	Fort Musselshell Tack-on "B"	560
MT-248	Judith Scattered Tracts	753,128
MT-257	Al's Creek	25,898
MT-259	West Lonesome Lake	7,600
MT-260	East Lonesome Lake	7,120
MT-262	East Fork Battle Creek	9,600
MT-263	Choteau Creek	5,080
MT-265	Havre Scattered Tracts	478,862
MT-269	Lavelle Creek	7,700
MT-271	Seven Mile Coulee	7,100
MT-272	C. K. Creek	6,000
MT-273	Spring Coulee	9,600
MT-281	Garey Coulee	7,000
MT-283	Dog Creek	5,300
MT-284	Coal Mine Coulee	6,380
MT-285	Grouse Gulch	8,360
MT-287	Camp Creek	7,100
MT-288	Little Warm Spring Creek	5,300
MT-289	North Fork First Creek	7,400
MT-292	Little Seven Mile Creek	10,500

Unit No.	Name	Acreage
MT-293	Horse Pasture Coulee	6,900
MT-294	Trueblood Coulee	23,800
MT-295	West Alkali Creek	5,000
MT-296	Rudolph Coulee	5,700
MT-299	Assiniboine Creek	9,000
MT-300	Horse Camp Coulee	7,300
MT-301	Lonetree Sag	5,300
MT-302	Saco Hills	5,100
MT-305	Lambing Coulee	11,360
MT-306	Garland Creek	15,800
MT-307	Davenport Coulee	5,200
MT-308	Martin's Coulee	13,700
MT-309	Horseshoe Lake	17,500
MT-310	West Whitewater Lake	23,100
MT-311	Sink Coulee	6,600
MT-312	East Fork Whitewater	6,680
MT-314	Border	5,000

Not Recommended for Intensive Inventory

Unit No.	Name	Acreage
Lewistown District		
MT-315	Upper Whitewater Creek	6,900
MT-316	Big Coulee	23,600
MT-317	North Pea Lake	9,200
MT-318	West Pea Lake	15,340
MT-319	Pea Lake	7,600
MT-321	Phillips Scattered Tracts	338,879
MT-332	Roosevelt Coulee	7,500
MT-333	Browning	7,680
MT-334	Bomber	13,440
MT-335	Lone Tree	43,520
MT-339	Mud Creek	5,760
MT-341	Beaverette Creek	18,056
MT-344	North Fork Little Beaver	23,780
MT-345	Miller Coulee	12,220
MT-349	Brazil Creek	11,000
MT-351	Billick Coulee	10,120
MT-353	Eagles Nest	16,120
MT-354	Canyon Coulee	12,800
MT-355	Rock Creek	14,440
MT-362	South Valley	188,410
MT-363	North Valley	236,640
MT-364	Medicine Lake	4,980
Miles City District		
MT-600-601/750-751	Scattered Tracts	1,960,873
MT-636	Plenty Creek	5,600
MT-641	Ash Creek	7,680
*MT-649	South Fork Little Squaw Creek	500
*MT-653	North Squaw Creek	400
*MT-661	Maloney Hill	2,360
MT-672	Big Wild Horse Creek	11,050
*MT-677	Mussel Shell Breaks	150
MT-678	Lang's Fork	6,872
MT-688	Cottonwood Creek	4,900
MT-693	O'Fallon Creek	6,975
MT-694	O'Fallon Cabin	9,400
MT-711	Unnamed	22,500
*MT-715	Cottonwood	10,100
*MT-716	Prairie Dog	7,580
MT-720	Thompson Creek	17,320
MT-724	South Butte Creek	5,760
MT-731	Alkali Flats	6,850
MT-738	North Cottonwood	5,890
MT-801	Alkali Creek	5,760
MT-802	Fourmile Creek	11,540
MT-803	West Battle Creek	14,400
MT-804	East Battle Creek	7,520
**MT-805	South Dakota Resource Area	240,000
***MT-901	Gumbo Creek	10,020
***MT-902	Unnamed	5,320
***MT-903	North Dakota Small Tracts	52,600

* Portions of these units will be dropped from the wilderness inventory. The remaining segments of over 5,000 acres will be intensively inventoried.

** This unit represents all of the BLM administered lands in South Dakota with the exception of 6,400 acres contiguous to Montana inventory units #717 and #718.

*** These units represent all of the BLM administered lands in North Dakota.

B. Inventory units identified in the April 1 map release as possibly having wilderness characteristics and which were believed to be unroaded are

included in this section. However, public comments identified roads which have been verified by BLM which split these units into less than 5,000 acre parcels. These units were found to lack wilderness characteristics and clearly and obviously should not be studied further. The three units listed for the Butte District are in a checkerboard pattern and may contain wilderness characteristics. However, they will not be considered further in the inventory because of the ownership pattern. These units are:

Unit No.	Name	Acreage
Butte District		
*MT-110	Beaver Meadows	1,555
MT-111	Sleeping Giant	6,858
MT-121	Devil's Kitchen	10,921
Lewistown District		
MT-270	Rock Creek	12,000
MT-276	Hawley Creek	12,700
MT-279	Upper Beauchamp	5,600
MT-291	White Rock Coulee	21,500
MT-298	Fourth Creek	8,000
MT-313	North Woody Island	5,000
Miles City District		
*MT-685	Brackett Creek	6,900
MT-695	Ten Mile Creek	5,000
*MT-702	Buffalo Hill	370
*MT-706	Powderville	6,360
MT-707	Pocochedie Creek	10,520
MT-713	Bell Creek	5,862
MT-726	Horse Creek	5,420
MT-727	Hay Creek	5,180
*MT-730	Whitetail	730
MT-737	King Mountain Contiguity	1,185
MT-739	North Butte Creek	13,060

* Portions of these units with the acreage indicated above will be dropped from the wilderness inventory. The remaining portions of the units will be intensively inventoried.

All lands identified under paragraphs A and B above are hereby dropped from further consideration in the wilderness inventory and are hereby released from the constraints of interim management under Section 603(C) of the Federal Land Policy and Management Act. This decision will become final 30 days from the date of publication of this notice in the Federal Register. These lands aggregate approximately 6,274,606 acres and constitute 74 percent of the public lands in Montana, North and South Dakota.

2. Lands that may meet the wilderness criteria and which should receive more intensive inventory. Included are:

A. Inventory units that may possibly meet the criteria for identification as wilderness study areas and which were identified in the April 1, 1979, public map release to receive more intensive inventory. These units are:

Unit No.	Name	Acreage
Butte District		
MT-001	Ruby Mountains	32,000
MT-002	Blacktail Mountains	21,700
MT-003	Blacktail Mountains West	2,130
MT-004	Clark Canyon-Red Peak-Spring Gulch	43,060

Unit No.	Name	Acreage
MT-006	White Hills South	8,850
MT-007	East Fork Blacktail Deer Creek	6,180
MT-008	Basin Creek North	19,420
MT-009	Antelope Flat	14,130
MT-010	Basin Creek South	8,355
MT-011	Lima Reservoir	5,360
MT-015	Red Rock Refuge North	440
MT-022	Hidden Pasture Creek	8,000
MT-023	East Muddy Creek	6,720
MT-024	Camp Creek South	7,200
MT-025	Sandy Hollow	7,180
MT-026	Bell Canyon	8,400
MT-027	Limekin Canyon	8,520
MT-028	Henneberry Ridge	32,400
MT-029	Bachelor Mountain	13,000
MT-031	Cold Spring Creek	7,100
MT-033	Red Butte	1,120
MT-034	Farlin Creek	1,200
MT-042	Red Rock River Islands No. 2	5
MT-043	Red Rock River Islands No. 1	4
MT-047	Jimmie New Creek	6,320
MT-051	Maiden Rock Islands	3
MT-054	Nez Perce Hollow	9,750
MT-058	McCartney Mountain	8,100
MT-059	Block Mountain	6,700
MT-063	Shaky Spring	340
MT-064	Bumby Mountain	540
MT-069	Axolotl Lakes	7,300
MT-070	Sweetwater	7,750
MT-071	Elk Gulch	8,350
MT-073	Pony	200
MT-074	Willow Creek	620
MT-077	Upper Bear Trap	2,100
MT-079	Corral Creek	400
MT-080	Wolf Creek	160
MT-081	Wolf Creek South	40
MT-082	Bad Luck Creek	640
MT-084	Trout Creek	280
MT-105	Chute Mountain	3,085
MT-106	Deep Creek/Battle Creek	3,066
MT-107	North Fork of Sun River	196
MT-110	Beaver Meadows	640
MT-114	Elkhorns	5,478
MT-115	Black Sage	5,926
MT-123	Island	22
MT-124	Island	12
MT-125	Island	5
MT-126	Island	17
MT-133	Island	53
MT-134	Island	23
MT-138	Island	40
MT-151	Hoodoo Mountain	18,600
MT-155	Quigg West	520
MT-200	Dry Creek	5,880
MT-201	Deer Mountain	6,010
MT-204	Bear Creek	9,299
MT-205	Burnt Timber Canyon	8,758
MT-206	Pryor Mountain	18,067
MT-207	Bighorn Tack-On	6,040
MT-210	Yellowstone Islands	193
MT-211	Snowy Mountain Tack-On	160
MT-212	Twin Coulee	6,868
MT-216	Middle Fork Judith Tack-On	145
MT-217	Big Snowies Tack-On	1,760
MT-221	West Cottonwood Creek	6,000
MT-222	Cottonwood Creek	11,000
MT-223	Blood Creek	11,000
MT-224	Dovetail Creek	22,400
MT-225	Arrow Creek	9,600
MT-227	Arnell's Creek	19,000
MT-228	Fargo Coulee	5,000
MT-229	Carter Coulee	5,760
MT-231	Two Calf Creek	12,000
MT-232	Reed Coulee	11,640
MT-233	Drag Creek	14,700
MT-236	West Crooked Creek	10,240
MT-237	Horse Camp Trail	9,600
MT-238	Chain Buttes	5,000
MT-240	Fort Musselshell Tack-On "A"	1,200
MT-243	Missouri River Islands	

Unit No.	Name	Acreage	Unit No.	Name	Acreage
Lewistown District:					
MT-244	Dog Creek South	10,250	MT-699	Hill Creek-Crooked Creek	160
MT-245	Chimney Bend	17,900	MT-701	Fools Creek	9,720
MT-246	Woodhawk	17,000	MT-702	Buffalo Creek	7,940
MT-249	The Wall	8,089	MT-703	Buck Creek	7,280
MT-250	Stafford	7,177	MT-704	Rough Break	5,400
MT-251	Cummings Bench	6,280	MT-709	Dry Creek	8,480
MT-252	Black Elk Coulee	9,702	MT-710	Spring Creek	9,960
MT-253	Ervin Ridge	22,527	MT-711	Unnamed	38,000
MT-254	Sand Creek	12,217	MT-712	Corral Creek	37,480
MT-255	Bullwhacker	40,851	MT-714	Muskat	7,480
MT-256	Cow Creek	71,113	MT-715	Cottonwood	26,140
MT-258	Timber Ridge	8,000	MT-716	Prairie Dog	31,760
MT-261	Wildhorse Lake	11,453	MT-717	Beaver Dam	10,040
MT-264	Woody Island Coulee	23,635	MT-718	Indian Creek	16,540
MT-266	Antelope Creek	21,500	MT-719	Owl Creek	14,667
MT-268	Cyprian Creek	6,900	MT-721	Fence Creek	6,120
MT-274	Beauchamp Creek	30,400	MT-723	Cottonwood Creek	6,590
MT-275	Indian Lake	20,600	MT-728	Dixon Deep	5,760
MT-277	Box Elder Creek	15,500	MT-729	Willow Creek	6,464
MT-278	Burnt Lodge/Sage Creek	64,860	MT-730	Whitetail	5,120
MT-280	Dry Fork Creek	15,360	MT-732	Crow	20,860
MT-282	Third Creek	31,860	MT-733	Deadman Creek	9,540
MT-286	Little Rockies	7,260	MT-734	Whitetail Creek	6,250
MT-290	Flat Creek	29,760	MT-736	Tongue River Breaks Contiguity	2,004
MT-297	Beaver Creek	19,700			
MT-303	Black Coulee	8,360			
MT-304	Lamere Coulee	37,100			
MT-320	Frenchman Creek West	13,760			
MT-323	Square Creek	10,800			
MT-325	Wagon Coulee	320			
MT-326	Carpenter Creek	10,000			
MT-328	Duck Creek	6,400			
MT-329	Gumbo Plateau	15,640			
MT-330	Caravan	5,580			
MT-331	South Fork Willow Creek	10,800			
MT-338	Marsh Hawk Hills	78,340			
MT-337	Grant Coulee	68,560			
MT-338	Pearson Coulee	23,840			
MT-340	Hurricane	7,040			
MT-342	Coyote Creek	22,430			
MT-343	Moss Coulee	20,160			
MT-346	Sage Hen Creek	7,540			
MT-347	Seventh Parallel	6,660			
MT-348	North Fork Brazil Creek	7,960			
MT-350	South Fork Antelope Creek	6,160			
MT-352	Antelope Creek	15,840			
MT-356	Bitter Creek	53,640			
MT-357	Willow Creek	39,040			
MT-358	Crow Creek	11,480			
MT-359	Frenchman Creek East	44,840			
MT-360	East Fork Crow Creek	20,940			
MT-361	Little Flat	13,940			
MT-365	East Beauchamp Tack-On	960			
MT-366	Beauchamp Tack-On	2,680			
Miles City District:					
MT-610-616	Yellowstone River Islands	400			
MT-617	Missouri River Islands	621			
MT-632	East Bridge Coulee	7,300			
MT-633	Billy Creek	3,480			
MT-634	Unnamed	7,030			
MT-635	Timber Creek	6,500			
MT-642	Lone Tree-Ash	19,040			
MT-643	Sand Arroyo	6,990			
MT-645	Unnamed	9,720			
MT-646	Unnamed	13,440			
MT-648	Germaine Coulee	5,065			
MT-649	South Fork Little Squaw Creek	16,400			
MT-650	Jack Lane Coulee	8,540			
MT-652	Lodgepole Creek	7,580			
MT-653	North Squaw Creek	6,850			
MT-654	Squaw Creek	7,070			
MT-657	Seven Blackfoot	19,800			
MT-661	Maloney Hill	17,120			
MT-662	Crooked Creek	8,530			
MT-665	Woody Flat Creek	9,800			
MT-671	Cairn Butte	5,270			
MT-675	Bridge Coulee	5,650			
MT-676	Unnamed	9,000			
MT-677	Musselshell Breaks	8,050			
MT-679	Lisk-Cherry	6,150			
MT-685	Brackett Creek	7,130			
MT-691	Unnamed	5,100			

B. Inventory units proposed to be dropped from the inventory on the April 1, 1979, map but placed back in the inventory as a result of public comments which stated that the units may have wilderness characteristics and should be included in the intensive inventory. This section also includes units contiguous to Forest Service RARE II areas which were placed back in a further planning status by the President and have resulted in changes from the April 1 map. These units are:

Unit No.	Name	Acreage
Butte District:		
MT-073	Pony	200
MT-074	Willow Creek	620
MT-077	Upper Bear Trap	2,100
MT-102	Blind Horse Canyon/Chicken Coulee	4,927
MT-106	Deep Creek/Battle Creek	3,086
MT-107	North Fork Sun River	196
Lewistown District:		
MT-247	Woodhawk Creek	5,500

All units identified under paragraphs A and B above are, therefore, placed in the intensive wilderness inventory and retained in interim management under Section 603 of the Federal Land Policy and Management Act. This decision will become effective 30 days from the date of publication of this notice in the **Federal Register**. These lands aggregate approximately 2,210,757 acres and constitute approximately 26 percent of the public lands in Montana.

These units are being evaluated under the procedures set forth in Step 4, intensive inventory of the "Wilderness Inventory Handbook" (including Appendices 5 and 6).

Additional information to be made available.

1:500,000 scale color maps and summary narrative documents, which include all of the inventory units listed

in this notice, will be mailed to all individuals free of charge who have previously contacted the Montana BLM for wilderness related information. This material should be available by late August. Individuals who have not previously contacted the Montana BLM and who desire this information should write or call: Montana State Office, Bureau of Land Management, Office of Public Affairs, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107, Telephone: (406) 657-6561.

Edwin Zaidlicz,
State Director.

[FR Doc. 79-25245 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-84-M

[F-54344]

Alaska; Proposed Withdrawal and Reservation of Lands

The Geological Survey, Department of the Interior, on June 26, 1979, filed application, serial No. F-54344, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, subject to valid existing rights.

Fairbanks Meridian, Alaska

T. 1 N., R. 1 W.,
Sec. 15, SW 1/4 NW 1/4 SW 1/4,
Sec. 16;
Sec. 17, SW 1/4.

Aggregating 810 acres.

The applicant agency desires that the lands be withdrawn and reserved for the purpose of operating a magnetic and seismological observatory and to allow for the ideal placement of seismic vaults and instruments to measure the earth's magnetic field. The withdrawal will transfer jurisdiction of the land from the U.S. Coast and Geodetic Survey, Department of Commerce, to the Geological Survey, Department of the Interior.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before September 10, 1979.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management,

701 C Street, Box 13, Anchorage, Alaska 99513, on or before September 10, 1979. Notice of the public hearing will be published in the *Federal Register* giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the *Federal Register*. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 7252.

Effective on the date of publication of this notice, the above-described lands shall be 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. The segregative effect of this proposed withdrawal shall continue for a period of 2 years, unless sooner terminated by action of the Secretary of the Interior. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, 701 C Street, Box 13, Anchorage, Alaska 99513.

Robert E. Sorenson,
Chief, Branch of Lands and Minerals Operations.

cc:
Public Affairs (912).
Public Service (941).

Public Service (220).
Fairbanks Recording Office, 604 Barnette Street, Fairbanks, Alaska 99701.
U.S. Post Office, Chatanika, Alaska 99731.
U.S. Post Office, Clear, MOU Alaska 99704.
U.S. Post Office, Fairbanks, Alaska 99701.
U.S. Post Office, Hogatza, Alaska 99744.
U.S. Post Office, North Pole, Alaska 99705.
U.S. Post Office, University, Alaska 99701.
U.S. Post Office, Minto, Alaska 99758.
U.S. Post Office, Nenana, Alaska 99760.
U.S. Post Office, Eielson AFB, Fairbanks, Alaska 99702.
U.S. Post Office, Rampart CPO, via Fairbanks, Alaska 99767.
U.S. Post Office, Circle, Alaska 99733.
U.S. Post Office, Delta Junction, Alaska 99737.
U.S. Post Office, College, Alaska 99701.
U.S. Post Office, Curry-S Corner, Alaska 99701.
U.S. Post Office, McKinley Park, Alaska 99755.
U.S. Post Office, Healy, Alaska 99743.
U.S. Post Office, Manley Hot Springs, Alaska 99765.
U.S. Post Office, Stevens Village, Alaska 99774.
U.S. Post Office, Fort Wainwright, Fairbanks, Alaska 99703.

[FR Doc. 79-25332 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-84-M

Bakersfield District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 92-463 that there will be a meeting of the Bakersfield District Grazing Advisory Board on September 14, 1979.

The one day meeting will begin at 10 a.m. in the City Council Chambers at 377 West Line Street in Bishop, California.

Agenda for the meeting will include: (1) A review of the expenditure of range betterment funds for fiscal year 80; (2) An update of the ongoing and future grazing environmental statement efforts; (3) A general discussion on allotments recommended for intensive management; (4) A slide show of Adobe Valley and Wells Meadow Allotment Management Plans; and (5) Arrangements for the next meeting. The meeting is open to the public and a public comment period is scheduled for 3:30 p.m.

Anyone wishing to submit a written or oral statement at the meeting should notify the chairman of the Bakersfield District Grazing Advisory Board; c/o Bureau of Land Management; 800 Truxtun Avenue, Room 311; Bakersfield, CA 93301; Attention; Public Affairs.

Further information on the meeting may also be obtained from the above address or by calling (805) 861-4191.

Minutes of the meeting will be kept, and a transcript will be available for

public review within 30 days of the meeting.

C. Kinderknecht,

Acting District Manager, Bureau of Land Management.

[FR Doc. 79-25340 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37959 and 37960]

New Mexico; Applications

August 8, 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. 27 N., R. 8 W.,

Sec. 25, NW¼NW¼.

These pipelines will convey natural gas across 0.053 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. 79-25341 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 37971]

New Mexico; Application

August 9, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 20 S., R. 30 E.,

Sec. 29, NW¼SE¼.

These pipelines will convey natural gas across 0.105 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. 79-25337 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-84-M

[U-43660 and U-942]

Utah; Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

Salt Lake Meridian, Utah

T. 13 N., R. 7 E.,

Sec. 30, N½NE¼, E½NW¼.

The needed right-of-way is a portion of applicant's gas gathering system located in Rich County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Salt Lake District Manager, Bureau of Land Management, 2370 S. 2300 W., Salt Lake City, Utah 84119.

Dell T. Waddoups,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-25336 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-84-M

[U-43568 and U-942]

Utah; Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

Salt Lake Meridian, Utah

T. 19 S., R. 23 E.,

Sec. 35, W½SE¼.

The needed right-of-way is a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

Dell T. Waddoups,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-25339 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-84-M

[U-910-4310-84]

Utah; Announcement of Public Comment Period on Prairie Canyon Intensive Wilderness Review Recommendation

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice is published under the concurrence of BLM state directors of Utah and Colorado. It announces the dates of a 30-day public comment period concerning the findings of an intensive wilderness inventory on the interstate Prairie Canyon unit (UT-060-110 and CO-070-001). The unit was jointly inventoried by Utah and Colorado as an accelerated special study in response to requests by an oil company.

The unit contains 17,700 acres of public lands administered by BLM in Utah and 10,200 acres in Colorado. Approximately 25,700 acres were found to retain the appearance of naturalness, undisturbed by the imprint of human activities. Remaining acreage has grazing improvements. Opportunities for primitive and unconfined recreation were found to be limited. Opportunities for solitude were found to be present, but were not found to be outstanding. Since the criteria for Wilderness Study Areas (WSAs) set forth in the Wilderness Inventory Handbook were not met, the unit has been recommended to be dropped from further study.

Beginning on August 17, 1979 and through September 15, 1979, the public is invited to review and provide written comments on this recommendation. Complete files are available for review at the Utah BLM state office, University Club Building, 136 East South Temple,

Salt Lake City, Utah; Moab BLM District office, 125 West 2nd South, Moab, Utah; Colorado BLM state office, Colorado State Bank Building, 1600 Broadway, Denver, Colorado; and the Grand Junction BLM District office, 764 Horizon Drive, Grand Junction, Colorado.

Maps and a summary of the inventory findings can be obtained from the Moab District. Comments should be addressed to: District Manager, Moab BLM District, P.O. Box 970, Moab, Utah 84532.

FOR FURTHER INFORMATION CONTACT: Moab District office, 801-259-6111.

Dated: August 6, 1979.

William G. Leavell,

Associate State Director.

[FR Doc. 79-25246 Filed 8-13-79; 10:31 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Correction

In FR Doc. 79-24585 appearing on page 47173 in the issue for August 10, 1979, the name of the property being considered for listing in the National Register was omitted. The following information should have appeared below the signatory line and above the file line:

Massachusetts

Duke County

Oak Bluffs, *Flying Horses*, 33 Oak Bluffs Ave.

BILLING CODE 1505-01-M

National Park Service

[INT FES 79-32]

Availability of Final Environmental Statement; Proposed Master Plan, Big Bend National Park, Tex.

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for a proposed Master Plan for Big Bend National Park, Texas.

The environmental statement considers development and management proposals for the park in general and for Chisos Basin, Panther Junction, Rio Grande Village, Castolon, Persimmon Gap, and Maverick.

Copies are available from or for inspection at the following locations:

Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 723, Santa Fe, New Mexico 87501.

Big Bend National Park, Big Bend National Park, Texas 79834.
 Chamizal National Memorial, Room 620, First City National Bank Building, 300 East Main Drive, El Paso, Texas 79901.
 Field Assistant to the Regional Director, Room 10-G-3, Fritz G. Lanham, Federal Center, 819 Taylor Street, Fort Worth, Texas 76102.

Dated: August 10, 1979.

Larry E. Meierotto,

Assistant Secretary of the Interior.

[FR Doc. 79-25286 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Opportunity for Public Comments on the Department of the Interior's Report on Crude Oil Transportation Systems and Federal Agency Recommendations

AGENCY: Department of the Interior.

ACTION: Notice of opportunity for public comment on the Department of the Interior's report on Crude Oil Transportation Systems and Federal agency recommendations under Title V of the Public Utility Regulatory Policies Act of 1978 (PURPA).

SUMMARY: The Department of the Interior's report on Crude Oil transportation system which contains Federal agency recommendations on the four applications submitted under Title V of the PURPA to construct and operate a west-to-east crude oil transportation system to supply Alaskan and other crude oil to northern tier and inland States, will be available for public comment on August 24, 1979. Public comments on the report will be accepted by the Department of the Interior between the publication date and September 28, 1979.

DATE: Comments should be sent by September 28, 1979.

ADDRESS: Comments should be sent to: Director (130), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Copies of the report containing Federal agency recommendations required under Title V of the Public Utility Regulatory Policies Act are available in Room 5619 of the above address. Public comments will be available for public review in Room 5619 at the above address from 7:45 a.m. to 4:15 p.m. during regular work days.

FOR FURTHER INFORMATION CONTACT: Anne Hare at the above address, 202-343-4606.

SUPPLEMENTAL INFORMATION: On April 18, 1977, the Northern Tier Pipeline

Company filed an application under section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. § 185), for a right-of-way across Federal lands for a crude oil transportation system. Prior to the completion of the draft EIS for the Northern Tier application, the Public Utility Regulatory Policies Act of 1978 (PURPA) was enacted, on November 9, 1978. Title V of the Act (Crude Oil Transportation Systems) provides for submission of applications for west-to-east systems to supply crude oil to northern tier and inland States and specific procedures for the expeditious processing of all applications and for a Presidential decision approving construction of any such system. Following the passage of PURPA, the Department of the Interior received applications under Title V from the Northern Tier Pipeline Company, Northwest Energy Company, Kitimat Pipeline, Ltd., and Trans Mountain Pipeline Company.

A draft EIS entitled, *Crude Oil Transportation System: Port Angeles, Washington, to Clearbrook, Minnesota (as proposed by Northern Tier Pipeline Company)*, was issued on January 11, 1979. The draft addressed principally the application of Northern Tier Pipeline Company. The routes of the other three Title V applicants were covered as alternatives. The Department treats all applications equally in the final EIS, which will be released in August 1979.

Title V of Public Law 95-617 of the Public Utility Regulatory Policies Act of 1978 (PURPA), requires the Secretary of the Interior to establish an expedited schedule concerning review of eligible crude oil transportation systems. Under this schedule, heads of appropriate Federal agencies shall conduct a review and submit recommendations to the Secretary of the Interior for submission to the President.

The expedited schedule has been established and provided to the appropriate Federal agencies. A report has been developed as part of that schedule in order to provide those agencies with information to be used in reviewing the eligible crude oil transportation system proposals.

Following receipt of Federal agency recommendations, State and local governments and the public are to be provided an opportunity for written comment.

Previously, review of Federal agency recommendations by State and local governments was to be followed by public comment. The new timetable combines State and local government and public comment. The schedule change allows the States and local

governments the opportunity to comment on Federal agency recommendations with the advantage of having the final EIS available during their review of the Federal agency recommendations. Another advantage of the combined comment period is that all parties commenting will receive two additional weeks for their review.

Comments received will be considered by the Secretary prior to his submission of a recommendation to the President in mid-October.

Comments from State and local governments and the public will be received by the Department from the publication date until September 28, 1979.

Comments on the report should be sent to the Bureau of Land Management, Office of Public Affairs (130), Main Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.

August 9, 1979.

Guy R. Martin,

Assistant Secretary for Land and Water Resources.

[FR Doc. 79-25026 Filed 8-15-79; 8:45 am]

BILLING CODE 4310-10-M

THE INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

Water Quality of the Poplar River; Public Hearings

The International Joint Commission will hold public hearings at the times and places noted below to receive testimony and evidence related to the recent report of its International Poplar River Water Quality Board. This Board was requested by the IJC to study and report on the water quality of the Poplar River Basin (with particular emphasis on the East Poplar), including present quality, the factors affecting water quality and its uses, and the consequent effects of: (1) apportionment as recommended by the International Souris-Red Rivers Engineering Board's task force; (2) a 600 MW thermal power project and (3) other reasonably foreseeable water uses.

The report has been distributed and copies may be obtained from the International Joint Commission in either Washington or Ottawa at the addresses noted below. Copies are available for study at the office of the Rural Municipality of Hart Butte No. 11, Coronach and Daniels County Library, 203 Timmons Street, Scobey.

Any pertinent information which will assist the Commission in preparing its report to the Governments of Canada

and the United States may be presented. Residents of Canada and the United States are invited to testify in either country and statements may be made orally or in writing. Information may be offered on a speaker's own behalf or in a representative capacity.

While not mandatory, written statements are desirable to supplement oral testimony and to ensure accuracy of the record. When a written statement is presented, the Commission requests 30 copies, if convenient.

Time allotted to each witness may be limited. If a written statement will take more than 10 minutes to present, a summary statement should be given and the full statement presented for the record. Copies of the letter of Reference from the Governments of Canada and the United States to the Commission are available on request from the International Joint Commission.

Times and Places of Hearings

September 10, 1979—Catholic Centre, Scobey, Montana, 2:00 p.m. and 7:00 p.m.

September 11, 1979—Kinsman Hall, Coronach, Saskatchewan, 2:00 p.m. and 7:00 p.m.

D. LaRoche,

*Secretary, United States Section,
International Joint Commission, 1717 H Street
NW., Room 203, Washington, D.C. 20440
STOP 86 (202) 296-2142.*

D. G. Chance,

*Secretary, Canadian Section, International
Joint Commission, 100 Metcalfe Street, 18th
Floor, Ottawa, Ontario K1P 5M1 (613) 995-
2984.*

August 10, 1979.

[FR Doc. 79-25378 Filed 8-15-79; 8:45 am]

BILLING CODE 4710-14-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (79-71)]

Space and Terrestrial Applications Steering Committee (STASC) Proposal Evaluation Advisory Subcommittee; Meeting

The Non-Renewable Resources Panel of the STASC, Proposal Evaluation Advisory Subcommittee will meet at the University of Maryland, Center of Adult Education, College Park, Maryland 20742, on September 6 and 7, 1979. The meeting will be held in Room 0189 from 8:30 am to 5:30 pm each day. The Subcommittee will discuss and evaluate proposals submitted to NASA in response to an Applications Notice for participation in the Applications Research and Data Analysis portion of the Non-Renewable Resources programs.

Public discussion of the professional qualifications of the proposers and their potential scientific contributions to the Non-Renewable Resources program would invade the privacy of the proposers and the other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c), (6), as described above, it has been determined that the sessions should be closed to the public.

For further information, please contact Dr. James Taranik, NASA Headquarters, Washington, D.C. (202/755-3752).

Dated: August 10, 1979.

Frank J. Simokaitis,

*Acting Deputy Associate Administrator for
External Relations.*

[FR Doc. 79-25244 Filed 8-15-79; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Availability of Advisory Group Report

The National Science Foundation has filed with the Library of Congress a report entitled "The 1979 Report of Closed Meetings of the Subcommittee to Review the Solid Mechanics, Fluid Mechanics and Heat Transfer Programs of the Advisory Committee for Engineering", which was prepared by the Mechanical Sciences and Engineering Section, Division of Engineering.

This report was filed in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, and is available for public inspection and use at the Library of Congress, Rare Book Division, Room 256, Washington, D.C. A copy of the report is also available for public inspection and use at the National Science Foundation, Committee Management Office, Room 248, Washington, D.C.

Joyce F. Laplante,

Acting Committee Management Coordinator.

August 13, 1979.

[FR Doc. 79-25344 Filed 8-15-79; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-471 CD]

Boston Edison Co.; Rulings on Commonwealth Motions To Enlarge Time for Filing of Testimony and To Defer Evidentiary Sessions

August 9, 1979.

In the Matter of Boston Edison

Company (Pilgrim Nuclear Generating Station, Unit 2).

Commonwealth of Massachusetts motion to postpone the date for submittal of testimony on emergency planning* from August 10, to September 7, 1979 is granted. All parties are granted until September 7 to file testimony on emergency planning. Evidentiary sessions scheduled to begin on August 27, 1979, in Plymouth, Massachusetts will proceed with all other remaining matters.

Commonwealth of Massachusetts motion to defer commencement of evidentiary sessions on emergency planning* for at least two months is denied. Evidentiary sessions on emergency planning will commence on October 1, 1979, at 1 p.m. in Memorial Hall (Blue Room) 83 Court Street, Plymouth, Massachusetts.

It is so ordered.

Dated at Bethesda, Maryland, this 9th day of August, 1979.

For The Atomic Safety and Licensing Board.

Andrew C. Goodhope,
Chairman.

[FR Doc. 79-25319 Filed 8-15-79; 8:45 am]

BILLING CODE 7590-01-M

[PRM-50-24]

John F. Doherty; Filing of Petition for Rule Making

Notice is hereby given that Mr. John F. Doherty, an individual from Houston, Texas, has filed with the Nuclear Regulatory Commission a petition for rule making, dated July 6, 1979, captioned "Objects Falling From Earth Orbit."

The petitioner requests the Commission to establish procedures whereby the Commission would "... inform all holders of Class 103 licenses of any announcement by any Federal agency or department of predicted or expected falling objects from earth orbit of that department or agency's responsibility or a foreign nation's.

* Both Commonwealth motions refer to emergency planning and Class 9 accidents. Notice should be taken that Class 9 accidents are not an issue in this proceeding. The contention at issue as regards these two motions is the contention stipulated to by all parties except the Applicant and accepted by the Board on July 20, 1979 (Tr. 11,228-11,230).

The petitioner states further:

The duty shall consist of this first notice and to continue to inform and advise said licensees until a prediction of the most likely to fall area or areas can be made by the responsible department or agency.

At the time the most likely to fall area has been determined, the Commission or its Appointees shall advise said licensees who operate in the most likely to fall area to arrange for shutdown of the production facility shortly before the expected fall time. The arrangements and procedures necessary for placing licensees in optimum readiness for shutdown may include preparations for a temporary halt in refueling operation, notification of other production facilities of the licensee of increased power demand for a temporary period, and any other activities deemed advisable in view of individual licensees by the Commission.

In the event, the responsible Federal agency or department makes a final determination of the area where objects will fall that includes said licensees, the Commission or its appointees, acting on the basis of predictions of object size, either previously made or announced at that time by the responsible Federal agency or department shall determine if such objects could penetrate any containment structure of the licensee's facility.

Upon conclusion by the Commission or its Appointees such penetration be possible if an object falling from earth orbit were to strike a containment structure at a licensee facility, the said facility shall be ordered to stop production and shut down, to protect the public safety. Upon receipt by the Commission or its Appointees from the responsible Federal agency or department of an announcement that the objects no longer pose a present danger of falling on the area originally designated, the Commission or its Appointees may then permit licensee operation to resume."

The petitioner states the following as a basis for the petition:

The basis of this is the Skylab situation where an orbiting object or objects of considerable size are expected to fall to earth with considerable force in the coming week. Petitioner believes a reactor not in operation will be more easily controlled in event an object from earth orbit strikes it or its containment building and satellite buildings than one in operation at the time of the falling and striking. Petitioner further believes a procedure such as the proposed should be available and used in the event of a future Skylab-like situation.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the

Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by October 1, 1979.

For further information contact: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7211.

Dated at Washington, D.C. this 10th day of August, 1979.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-25325 Filed 8-15-79; 8:45 am]

BILLING CODE 7590-01-M

[PRM-73-5]

Edlow International Co.; Filing of Petition for Rule Making

Notice is hereby given that Mr. Samuel Edlow, President, Edlow International Company, by letter dated June 29, 1979, has filed with the Nuclear Regulatory Commission, a petition for rule making to amend the Commission's regulations "Domestic Licensing of Special Nuclear Material," 10 CFR Part 70, and "Physical Protection of Plants and Materials," 10 CFR Part 73.

The petitioner requests the Commission to amend §§ 70.20a(a), 70.20a(d)(1), and 70.20a(d)(2) to change the references "73.30 through 73.36" to read "73.30 through 73.37".

The petitioner also requests the Commission to amend § 73.37(a) and Appendix D of Part 73 by changing the words "Each licensee who transports or delivers to a carrier for transport irradiated reactor fuel" to read "Each licensee who transports irradiated reactor fuel".

As a basis for the petition, the petitioner states that:

The effect of these proposed amendments would be to make the new Part 73 physical security requirement during transport of spent fuel shipments consistent with the philosophical approach applied to shipment of SSNM in other forms.

When section 70.20a became effective June 7, 1979, it served to place the responsibility on the carrier to provide the physical security required during transport. This new approach excluded spent fuel because, at that time, the Commission had not yet concluded that spent fuel required physical security during the transportation cycle.

When the Commission determined to require physical security for shipments of spent fuel, consistency would have been best served had it acted to extend the general license to include spent fuel as a new material under parts 73.30 through 73.36. The

action of the Commission effectively served to remove the prior exemption of spent fuel from the materials named in parts 73.30 through 73.36.

Instead, the amendments to Part 73 which become effective July 16, place the onus for providing physical security for spent fuel during transport on the shipper rather than on the carrier. In the instance of all other SSNM, the onus is on the carrier rather than the shipper.

It is clear that this inconsistency should be corrected, and it is in this interest that we petition for the amendments as listed.

A copy of the petition for rule making is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch by October 15, 1979.

For further information contact: J. M. Felton, Director, Division of Rules and records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301-492-7211.

Dated at Washington, D.C. this 10th day of August, 1979.

For the Nuclear Regulatory Commission,
Samuel J. Shilk,

Secretary of the Commission.

[FR Doc. 79-25326 Filed 8-15-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility), located in Ocean County, New Jersey. The amendment is effective as of September 5, 1979.

The amendment modifies the Administrative Controls provisions of the Appendix A Technical specifications and consists of (1) requirements for supervision of core alterations, (2) organizational changes, (3) changes to the approval requirements for temporary

procedure revisions, (4) changing the titles of members of the Plant Operations Review Committee, and (5) adding an alternate means of control of access to High Radiation Areas.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's 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 Section 51.5(d)(4), and 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 applications for amendment dated April 10, 1979 and June 15, 1979, (2) Amendment No. 40 to License No. DPR-16, 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 Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. 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 6th day of August, 1979.

For the Nuclear Regulatory Commission,
Dennis L. Ziemann,
*Chief, Operating Reactors Branch #2,
Division of Operating Reactors.*

[FR Doc. 79-25320 Filed 8-15-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp., Issuance of Facility License Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-63 to Niagara Mohawk Power Corporation (the licensee) which revised the

Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to permit 100% power operation with one recirculation loop isolated.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 19, 1979, (2) Amendment No. 34 to License No. DPR-63, 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 Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126. 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 10th day of August 1979.

For the Nuclear Regulatory Commission,
Thomas A. Ippolito,
*Chief, Operating Reactors Branch #3,
Division of Operating Reactors.*

[FR Doc. 79-25321 Filed 8-15-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 and 50-446]

Texas Utilities Generating Co., et al.; Hearing

August 9, 1979

In the Matter of Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2).

On February 5, 1979, the Nuclear Regulatory Commission published in the *Federal Register*, 44 FR 6995, a notice that the Commission will consider the issuance of facility operating licenses to Texas Utilities Generating Company, Dallas Power & Light Company; Texas Electric Service Company, and Texas Power & Light Company (the Applicants) which would authorize the Applicants to possess, use, and operate the Comanche Peak Steam Electric Station, Units 1 and 2, in accordance with the provisions of the licenses, etc. The notice provided that any person whose interest may be affected may file a petition for leave to intervene in accordance with 10 CFR § 2.714.

Timely petitions were received from the State of Texas for participation as an interested State, Citizens Association for Sound Energy (CASE), Citizens for Fair Utility Regulation (CFUR) and the Texas Association of Community Organizations for Reform Now/West Texas Legal Services (ACORN/WTSL). An Atomic Safety and Licensing Board was established to rule on these petitions and to preside over the proceeding in the event that a hearing was ordered.

After holding a prehearing conference on May 22, 1979, and accepting subsequent filings, the Board issued an order on June 27, 1979, admitting the following petitioners: CASE, CFUR, ACORN, and the State of Texas.

Please take notice that a hearing will be conducted in this proceeding. The Atomic Safety and Licensing Board which has been designated to preside over this proceeding consists of Dr. Richard F. Cole, Dr. Forrest J. Remick, and Elizabeth S. Bowers, who will serve as Chairman of the Board.¹

During the course of the proceeding, the Board will hold one or more prehearing conferences which will be noticed. The public is invited to attend any prehearing conferences, as well as the evidentiary hearing. During some or all of these sessions, and in accordance with 10 CFR Section 2.715(a), any person, not a party to the proceeding, will be permitted to make a limited appearance statement, either orally or in writing, stating his or her position on the issues. The number of persons making oral statements may be limited and the time allowed for each oral statement will be limited to five (5) minutes. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission,

¹Mr. Lester Kornblith, Jr. retired in June. He has been replaced by Dr. Forrest J. Remick of Penn State (44 FR 40461).

Washington, D.C. 20555, Attention: Docketing and Service Section. Written statements supplementing or in lieu of oral statements may be of any length and will be accepted at any session of the proceeding or may be mailed to the Secretary of the Commission.

For further details, see all relevant documents which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the Somervell County Public Library, On the Square, Glen Rose, Texas, 76043.

Dated at Bethesda, Maryland this 9th day of August 1979.

The Atomic Safety and Licensing Board.

Elizabeth S. Bowers,
Chairman.

[FR Doc. 79-25322 Filed 8-15-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-278]

**Philadelphia Electric Co., et al.;
Proposed Issuance of Amendment to
Facility Operating Licensee**

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-56, issued to Philadelphia Electric Company (the licensee), for operation of the Peach Bottom Atomic Power Station, Unit No. 3 located in York County, Pennsylvania.

The proposed amendment would modify the Technical Specifications to: (1) permit use of a new General Electric fuel design for Reload No. 3 (Cycle 4 operation); (2) modify the APRM and RBM setpoint equations; (3) delete the fuel densification power spiking penalty for 8x8 fuel; (4) delete the reactor vessel pressure operating limit; (5) permit continued use of the fast scram control rod drive during Cycle 4; and (6) increase the standby liquid control system capacity.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By September 17, 1979, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance

with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Thomas A. Ippolito: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Troy B. Conner, Jr., 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR § 2.714(a)(i)-(v) and § 2.714(d).

For further details with respect to this action, see the application for amendment dated July 31, 1979 which is transmitted by letter dated August 2, 1979, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Dated at Bethesda, Maryland, this 10th day of August 1979.

For the Nuclear Regulatory Commission.
Thomas A. Ippolito,
*Chief, Operating Reactors Branch No. 3,
 Division of Operating Reactors.*
 [FR Doc. 79-25324 Filed 8-15-79; 8:45 am]
BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.34, Revision 1, "Assumptions Used for Evaluating the Potential Radiological Consequences of Accidental Nuclear Criticality in a Uranium Fuel Fabrication Plant," lists assumptions used to evaluate the magnitude and radiological consequences of a criticality accident in a uranium fuel fabrication plant. These assumptions are based on previous accident experience, engineering judgment, and the analysis of applicable experimental results from safety research programs. Regulatory Guide 3.35, Revision 1, "Assumptions Used for Evaluating the Potential Radiological Consequences of Accidental Nuclear Criticality in a Plutonium Processing and Fuel Fabrication Plant," lists similar assumptions for plutonium processing and fuel fabrication plants. The guides were revised as a result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the latest revision of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in

writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 8th day of August 1979.

For the Nuclear Regulatory Commission.
Robert B. Minogue,
Director, Office of Standards Development.
 [FR Doc. 79-25323 Filed 8-15-79; 8:45 am]
BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-33]

Safety Recommendation Letters and Responses; Availability

Marine Safety Recommendations

M-79-72 through 75.—The National Transportation Safety Board on August 8 issued four safety recommendations to the U.S. Coast Guard as a result of investigation of the collision of a loaded grain carrier, the SS YELLOWSTONE, and Algerian freighter M/V IBN BATOUTA. The collision occurred in a dense fog at 1107 G.m.t. on June 12, 1978, in the Mediterranean Sea about 14 miles southeast of Gibraltar. As a result of the collision, the YELLOWSTONE sank the following day; five crewmen died and two were injured.

Investigation indicated that although the officers on watch on both vessels knew well in advance that they were in a head-on situation and a possible close passage, neither vessel reduced its speed below 15 kns. Further, the watch officers failed to make a relative motion plot with the radar to determine the other vessel's course, speed, and closest point of approach.

Each ship had an installed VHF bridge-to-bridge radiotelephone. When the vessels were within 2 miles of each other, the master of the YELLOWSTONE tried to contact the IBN BATOUTA via radiotelephone to inform of his intentions but received no response. Had each vessel been required to use its radiotelephone equipment, which is now required to be used only on all navigable waters in the United States, the accident might not have occurred. Each vessel could have alerted the other, and a passing agreement could have been prearranged.

The Safety Board's August 8 letter recommended that the Coast Guard:

Require more frequent examinations for renewal of a radar observer's endorsements by deck officers of the U.S. Merchant Marine to maintain their proficiency in using the maneuvering board for solving radar target problems. (M-79-72)

Propose to the Intergovernmental Maritime Consultative Organization (IMCO) that a study be initiated to determine the need for establishing an effective vessel traffic service at the east end of the Strait of Gibraltar to improve the safety in this heavily trafficked area. (M-79-73)

Establish a timetable for expediting Coast Guard action to promote the adoption by IMCO of a requirement for the use of bridge-to-bridge radiotelephone in collision avoidance. (M-79-74)

Require periodic gauging of bulkheads on bulk carriers that are more than 15 years old. In particular, the lower portions of bulkheads in cargo holds, bilge wells, saltwater ballast tanks, and machinery spaces should be gauged for timely renewal due to corrosion and wastage. (M-79-75)

Each of the above recommendations is designated "Class II, Priority Action." Copies of the formal investigation report on this accident are being prepared and will be available in the near future.

M-79-76 through 79.—Four more recommendations were issued by the Safety Board to the Coast Guard on August 9 following investigation of another collision. About 0842 e.s.t. last March 4, the outbound Greek cargo ship M/V STAR LIGHT and the inbound U.S. Navy amphibious assault ship USS FRANCIS MARION (LPA-249) collided at the entrance of the Chesapeake Bay about 15 nmi east of Norfolk, Va. The bow of the STAR LIGHT struck amidship on the starboard side of the FRANCIS MARION. There were no deaths; however, three naval personnel were injured in the accident. Damage to the vessels was estimated at about \$3.5 million.

The Safety Board determined that the probable cause of this accident was the failure of the master of the STAR LIGHT to comply with the starboard-to-starboard passing agreement that was made with the FRANCIS MARION. Contributing to the accident were the failure of the STAR LIGHT's navigation watch to plot the radar data and the relatively high closing speeds of both vessels.

The Board's recommendation letter notes that where the Atlantic Ocean and the Chesapeake Bay meet is often subjected to adverse weather, particularly during the winter months. Pilots board and disembark vessels from small boats, exposing themselves to grave danger in bad weather.

Consequently, the Cape Henry pilotage area has been established as close to the bay as possible, and the pilots may board or disembark anywhere within this area. For example, the Maryland pilot disembarked from the STAR LIGHT near buoy "2CH"; therefore, the vessel had to transit the entire precautionary area without the expertise of a local pilot. Considering that the precautionary area is where all traffic converges, this creates a dangerous situation. During favorable weather conditions, such as were encountered last March 4, pilots could safely board or disembark vessels farther out from the entrance to the Chesapeake Bay.

There is no active, manned Vessel Traffic Service (VTS) in the Chesapeake Bay, and current Coast Guard plans do not call for such a system to be implemented there. A "passive" VTS consisting of improved aids to navigation, waterway improvements, traffic separation, and expanded regulations are currently contemplated by the Coast Guard. The Safety Board has previously investigated the usefulness of VTS in preventing collisions in the Chesapeake Bay and concluded that an effective, manned VTS with adequate surveillance capability may prevent collisions. If there had been such a VTS in operation on March 4, 1979, this accident could have been prevented. The VTS would have advised each vessel of the position, speed, course, and intended action of the other. Although this advice, or the lack of it, could not have relieved the master of the STAR LIGHT from complying with the starboard-to-starboard passing agreement, this additional information may have prompted him to take corrective action to avoid the collision.

In view of its findings, the Safety Board has recommended that the Coast Guard:

Record VHF radiotelephone transmissions on all channels used for transmitting navigational information in the vicinity of the entrance of the Chesapeake Bay and keep recordings concerning marine casualties for at least 1 year. (M-79-76)

Relocate the demarcation line separating the inland and international rules of the road to some point away from the precautionary area at the entrance of the Chesapeake Bay. (M-79-77)

Establish an additional designated pilotage area at some point east of the precautionary area at the entrance of the Chesapeake Bay, where pilots would embark and disembark vessels during favorable weather conditions. (M-79-78)

Establish an active, manned VTS at the entrance of the Chesapeake Bay. This VTS should not only advise vessels of traffic

conditions but also exercise control over their movements. Participation in the VTS should be mandatory. (M-79-79)

Each of the above recommendations is designated "Class II, Priority Action." The formal investigation report will be released in the near future.

Pipeline Safety Recommendations

P-79-20 and 21; P-79-22 through 25.—Five "Class I, Urgent Action" and one "Class II, Priority Action" recommendations were issued by the Safety Board on August 8 following investigation of the pipeline accident which occurred last April 18 in a rural area near Dallas, Tex. A 24-inch natural gas transmission pipeline owned by the Natural Gas Pipeline Company of America pulled out of a compression coupling during a line-lowering project under Iowa State Highway 181. Within seconds the natural gas ignited and burned a 900-foot by 400-foot area. Five of the eight injured workers were hospitalized. Two cars, a pickup truck, and trailer housing construction equipment were destroyed. A backhoe was partly damaged, and windows were broken in a nearby farmhouse.

The Board noted that the natural gas pipeline system, which includes three lines constructed parallel to each other (24, 26, and 36 inches in diameter), extends 980 miles from West Texas through New Mexico, Oklahoma, Kansas, Nebraska, Iowa, and Illinois, serving some 12 million customers. The 24-inch pipeline, the oldest of the three, was installed in 1931 by welding two lengths of pipe together on top of the trench and then joining the double lengths of pipe in the trench with compression couplings. There are approximately 51,700 couplings on this line, and 15,135 couplings are located in the State of Iowa.

Investigation showed that two days before the accident, in preparation for the line lowering, a gas company crew closed mainline valves which were 8.7 miles apart, thereby isolating a section of the pipeline. Crossover valves on either side of the section were opened so that natural gas could continue to flow around the isolated section without interrupting customer service beyond. The pressure in the isolated section was then lowered from 635 psig to 5 psig and was to have been monitored while a contractor's crew lowered and replaced a segment of the pipeline under Iowa State Highway 181. A pressure gauge, which had been installed on the isolated line section to monitor the pressure, apparently was removed sometime before the accident. There were no written company procedures for the

pressure monitoring; the orders were given orally.

Further, investigation showed that while the contractor was exposing the pipeline and welding the sleeves on, the gas company did not monitor the pressure; therefore the construction crew was unaware that gas at some pressure up to a maximum of 635 psig had leaked by one of the closed valves and had increased the pressure in the isolated section. The pressure apparently increased to a point where the axial force, acting on the 13-degree pipe bend, exceeded the pullout resistance of the first coupling. The 80-foot-long exposed section of 24-inch pipe pulled out of the first coupling that had been exposed but not sleeved. The pullout force caused the pipe to rise straight up in the air and then slam down to the ground, causing it to crimp and finally break in the middle of the 80-foot section. The gas company's accident records indicated that this 24-inch pipeline had experienced 12 previous failures since it was constructed; nine of these involved compression coupling pullouts. The causes of these pullouts are still under investigation.

Gas transmission pipelines constructed in the 1920's and very early 1930's were often installed with compression couplings. These couplings were dependable and capable of holding high pressures; however, they were neither designed for nor intended to restrain longitudinal pipe movement.

As a result of these findings, the Safety Board has directed the following recommendations to:

Materials Transportation Bureau, U.S. Department of Transportation

Coordinate with the appropriate State agencies, by field test reports and on-site inspection, in monitoring the excavation of the compression couplings on the 24-inch transmission pipeline to insure the integrity of the pipeline. (P-79-20)

Coordinate with the appropriate State agencies in the monitoring of the 24-inch transmission pipeline to determine if the problem of compression coupling pullouts persists. In the event of a continuing pullout problem, consider the reduction of pressure or the shutdown, in sections or in total, of the pipeline until the problem can be corrected. (P-79-21)

Natural Gas Pipeline Co. of America

Include in its written procedures the designation of special company personnel who will continuously monitor pressures during pipeline maintenance work similar to this project. (P-79-22)

Review with its construction crew and others the hazards of exposing any pipeline installed with compression couplings without monitoring the pressure in the line, especially

at locations where overbends or sidebends exist. (P-79-23)

Identify contour areas where vertical or horizontal bends in the pipeline may exist, and excavate, on a random basis acceptable to the appropriate State agencies, to determine if compression couplings located adjacent to these bends have experienced excessive axial forces that could cause a coupling failure. Install suitable strapping or sleeving on couplings which do not pass reinspection because of leakage, corrosion, or evidence of partial pullout. (P-79-24)

Determine what effects soil conditions have on this pipeline where changes in the land contour could cause shifting or movement of the soil. As a result of this determination take steps to correct the condition. (P-79-25)

Recommendation P-79-25 is a Class II recommendation; all others above are Class I.

Railroad Safety Recommendations

R-79-56.—At 4:06 p.m. last December 12 New York City Transit Authority subway train designated "CC" departed southbound from Bedford Park on time. The train, consisting of eight cars, continued southward making its scheduled station stops. As the train was leaving 125th Street station, 6 miles south of Bedford Park, the platform conductor saw smoke coming from under the sixth car. This conductor notified the dispatcher at 125th Street who, in turn, arranged for a road car inspector to meet the train at the 59th Street station. As the train arrived at the 59th Street station, the road car inspector was waiting on the platform. He conducted a cursory inspection and permitted the train to continue. He boarded the sixth car to continue to check for the problem. Moments after departing 59th Street station, the sixth and seventh cars derailed.

Metallurgical tests revealed that two wheels on the No. 1 axle of the sixth car had broken after developing cracks from overheating. While conducting this investigation, three other trains derailed from similar causes. The derailments occurred early this year—on January 15, February 14, and March 21.

Investigation showed that the cracked wheels were all on the No. 1 truck—the handbrake truck—and had been exposed to excessive heating. The Safety Board concluded that the subway cars involved in these accidents were permitted to operate with handbrakes partially applied—a condition which created a brakeshoe condition that caused the wheels to overheat and fracture.

Accordingly, the Safety Board on August 9 recommended that the Metropolitan Transportation Authority:

Require the New York City Transit Authority to establish an inspection procedure that will detect overheated wheels before failure. (R-79-56)

R-79-57 and 58; R-79-59.—About 5:50 p.m. on March 28, 1978, Amtrak train No. 8, The Empire Builder, operating on Burlington Northern track, derailed nine cars at Lohman, Mont. Forty-eight persons were injured in the derailment and the property damage was estimated to be \$333,500.

Investigation indicated that train No. 8 was moving through a 1°34' curve just west of Lohman at approximately 75 mph. About 6,737 ft west of the east siding switch at Lohman, the right rear wheel on the trailing truck of the fourth car moved inward off its axle seat. This caused a decrease in the wheel-to-wheel gage, and it allowed the wheel to derail inside the south rail. It continued inside the south rail causing minor track damage until it struck the frog at the east switch. When the wheel struck the frog, a portion of the wheel broke out. Immediately following this, a general derailment occurred. The last four of the nine cars overturned.

The two car inspectors who inspected train No. 8 at Havre, Mont., said they discovered that the car on which the cracked wheel was found—Amtrak baggage car No. 1248—arrived at Havre with the brakes cut out. They also noted that a number of the composition-type brakeshoes needed to be replaced. However, reportedly because they feared criticism or a reprimand if they delayed train No. 8 for repairs, they did not report to their supervisor the brakeshoe condition or the fact that the brakes were cut out.

During the postaccident inspection and testing of car No. 1248, it was discovered that two of the brake cylinders had no visible lubrication. This condition could have contributed to sticking brakes. The next scheduled cleaning, oiling, testing, and servicing (COTS) for car No. 1248 (each 2 years) was August 3, 1979. The Safety Board does not believe that the car was thoroughly checked at the last COTS, because of the lack of lubrication in the brake cylinders. Also, 11 condemnable brakeshoes out of a total of 16 is indicative of improper maintenance.

Further, as a result of its investigation of this accident, the Safety Board concludes that Burlington Northern car inspectors are reacting to real or implied supervisory pressure to avoid delays to trains; they are either not knowledgeable of Federal regulations or qualified for their jobs; or they are not being properly supervised and are being

negligent in the performance of their work.

Accordingly, on August 9 the Safety Board directed the following recommendations to:

Burlington Northern

Determine why car inspectors knowingly allowed train No. 8 to depart Havre with defects which violated minimum safety standards, and take remedial action. (R-79-57)

Establish procedures which will insure that minimum safety standards required by Federal regulations are complied with completely. (R-79-58)

Burlington Northern & National Railroad Passenger Corp.

Establish quality control over standards for the servicing of rolling stock maintained by contractual agreements or by Amtrak's own facilities, and correct any existing discrepancies. (R-79-59)

About 5:08 a.m. last January 31 Consolidated Rail Corporation (Conrail) freight train CNEN-O collided with the rear of standing Conrail freight train SYEN-O at Muncy, Pa. The lead locomotive unit of train CNEN-O was destroyed, the second locomotive unit was heavily damaged, and 14 cars were damaged. Four cars of train SYEN-O were destroyed, and one car was heavily damaged. Two crewmembers were killed and three were injured.

Investigation showed that the accident resulted when the engineer and the front brakeman of train CNEN-O failed to operate the train at a speed required by signal indication that would have permitted the engineer to stop the train short of standing train SYEN-O. The failure of the operating rules to require the conductor to be located in a position to properly supervise the safe operation of the train contributed to the collision. The speed of the CNEN-O remained between 30 and 40 mph after it departed Williamsport, Pa., en route to Muncy. Crewmembers on the caboose stated that there were no brake applications on the train before the collision. The crewmembers of the standing train stated that they did not hear a warning whistle from the approaching train and first became aware of the train when they saw its headlight. Because the crewmembers of train SYEN-O apparently did not take action to avert the accident or warn the crew, the Safety Board concluded that the engineer and the head brakeman were not alert as required by Conrail's operating rules.

In light of the above, the Safety Board on August 9 recommended that Consolidated Rail Corporation:

insure that its train operations are conducted in accordance with its operating rules. (R-79-60)

All of the above railroad safety recommendations are designated "Class II, Priority Action." Copies of the formal investigation reports on the three subject railroad accidents are now being prepared for distribution and will be made available in the near future.

Responses to Safety Recommendations

Aviation

A-79-27 through 30.—Letter of July 27 from the Federal Aviation Administration responds to recommendations issued May 1 following investigation of the crash of a National Airlines Boeing 727-235 in Escambia Bay during approach to Pensacola (Fla.) Regional Airport, May 8, 1979. The recommendations concerned ground proximity warning systems (GPWS). (See 44 FR 27510, May 10, 1979.)

Recommendation A-79-27 asked FAA to amend 14 CFR 37.201 to require that the GPWS identify with aural messages the cause of the warning being given and to restrict the function of the deactivation switch (if utilized on such systems) to suppress only the aural alert, but not the warning lights. Recommendation A-79-28 called for amendment of 14 CFR 121.360 to require after an appropriate date that all newly manufactured aircraft be equipped with GPWS that conform to the amended Technical Standard Order. In response, FAA says that it does not believe that available data is sufficient to support rulemaking at this time. The present rules, which permit manufacturers of GPWS innovation in verbal messages, provide an adequate level of safety.

FAA is, however, seeking methods for improving the flight deck working environment and has contracted for an "Aircraft Alerting System Standardization Study" (DOT FA-79-WA-4268, 9 January 1979—9 December 1980). This study includes items involving GPWS criteria such as visual alert displays and aural warning sound levels. The first study report due in September 1979 is concerned with a definition of prototype alerting system concepts. If the study produces significant improvements in aircraft alerting systems, FAA will consider rulemaking action. FAA-approved Boeing 727 Airplane Flight Manual (copy provided with response letter) includes proper crew response to alerts and deactivation conditions in accord with 14 CFR 121.360(c) and (d). Since the system may be deactivated only to

prevent nuisance warnings when landing with flaps or landing gear not in the normal landing positions, FAA believes that 14 CFR 37.201 requiring aural and visual warnings to activate simultaneously is adequate.

Recommendation A-79-29 called on FAA to define sound pressure levels and acoustical characteristics for GPWS for each type of aircraft requiring these systems, consistent with ambient cockpit noise levels and with the requirements for emergency verbal communications between crewmembers. FAA's response notes that report No. GAA-RD-76-222, "Aircraft Alerting Systems Criteria Study," contains a recommendation to provide automatic intensity adjustment for varying ambient noise conditions. It also states that because cockpit ambient noise level varies with the operational phase of the same model, automatic intensity adjustment is the only way that the signal of an alerting system can be as loud as the masked threshold created by ambient noise plus 10dB or halfway between the masked threshold and 110dB. FAA anticipates that Contract No. DOT-FA-WA-4268 will define sound pressure levels for alerting systems consistent with ambient cockpit noise levels and considering requirements for emergency verbal communications between crewmembers.

In response to A-79-30, which recommended issuance of an Advisory Circular specifying GPWS sound pressure levels and acoustical characteristics for each type of aircraft requiring these systems, FAA states that when the results of Contract No. DOT FA-79-WA-4268 become available, FAA will consider the issuance of guidance material.

A-79-32 through 34.—FAA's letter of July 23 responds to recommendations issued May 11 following investigation of the crash of a United Airlines DC-8 near Portland, Oreg., last December 28 after fuel exhaustion. (See 44 FR 28896, May 17, 1979.)

With reference to recommendation A-79-32, which asked FAA to issue an Operations Alert Bulletin to have FAA inspectors assure that crew training stresses differences in fuel-quantity measuring instruments and that crews flying with the new system are made aware of the possibility of misinterpretation of gage readings, FAA says it plans to issue such a bulletin within the next 90 days.

Also within the next 90 days, FAA will issue a notice to appropriate FAA engineering personnel reemphasizing the importance of considering cockpit configuration and instrumentation

factors when approving engineer-changes or issuing supplemental type certificates, as recommended by A-79-33. FAA does conduct a cockpit evaluation when there is a change to existing instruments by a change order to existing type design data or by a supplemental type certificate.

In response to A-79-34, which asked FAA to audit Supplemental Type Certificate SA3357WE-D for completeness, especially in the area of system calibration after installation, FAA states a preliminary audit has been conducted and an official audit of the entire data file has been initiated. FAA expects to complete this audit within the next 90 days and will notify the Safety Board of its findings.

Highway

H-79-14 through 17.—On July 18 the National Highway Traffic Safety Administration responded to recommendations issued April 4 as a result of the Safety Board's special study, "Safety of Multipurpose Vans." (See 44 FR 21907, April 12, 1979.) The issues raised by the study warranted consideration in future rulemaking on vans.

Recommendation H-79-14 called on NHTSA, in its on-going and planned investigation of van accidents to: (1) Study the failures of custom highback bucket seats and anchorage systems to determine if they pose a significant injury or safety problem; (2) study the failures of custom steering wheels which do not meet Federal Motor Vehicle Safety Standard (FMVSS) No. 203 to determine whether they pose a significant injury or safety problems; (3) study the extent to which doors jam in collisions to determine if corrective action is needed to prevent ejection and to enhance escape; (4) determine if FMVSS's 203 and 204 (steering wheel and steering column) should be extended to all classes of vans or if new requirements are needed for vans; and (5) determine the feasibility of extending FMVSS 212 to all classes of vans.

NHTSA provides the following information in response:

(1) Seats installed new must meet FMVSS 207 requirements; after-market replacement firms are prohibited from "rendering inoperative" systems or devices placed there for safety. If a significant number of custom seat failures show up, a compliance or defects investigation may be necessary.

(2) Vans at present are not covered by FMVSS 203. NHTSA is currently involved in rulemaking to extend FMVSS 203 and 204 to vans. A final rule on this proposal should be out in the next few months. An after-market steering wheel does not have to meet FMVSS 203, but the installer is prohibited from

rendering inoperative any system or device of a safety standard.

(3) NHTSA is concerned about door jamming at low speeds. High speed impact door jamming would be almost impossible to control. It may be of interest to investigate the overall effect of door jamming on occupant injury. During the development of the 400 series standards, door jamming will be studied.

(4) NHTSA has proposed extending FMVSS 201, 203, and 204 to light trucks, vans, and multipurpose passenger vehicles (MPV's) as soon as possible because further delays could result in deaths and injuries that could be prevented.

(5) Forward control vehicles are currently exempt from FMVSS 212 because the current barrier test procedure is not the most suitable means of testing these vehicles. NHTSA is currently testing vans with a barrier test that more closely represents real world collisions, and, based on that testing NHTSA will determine if the new barrier tests should be adopted in FMVSS 212 and extended to all vans.

In response to H-79-15, which recommended that NHTSA intensify its study to explore the feasibility of extending the passive restraint requirements of FMVSS 208 to all classes of van, NHTSA considers one of its priority rulemaking actions to be the extension of passive restraints to light trucks, vans, and MPV's. A research program entitled "Passive Restraint Development of Light Trucks and Vans," ongoing at MINICARS, will develop a feasible passive restraint for vans and light trucks.

With respect to recommendation H-79-16, which asked NHTSA to specify in rulemaking action on FMVSS 206, Door Locks and Door Retention Components, a requirement for a locking mechanism on cargo-type doors that can be operated from the interior of the vehicle, NHTSA says that this proposal cannot be acted upon because of lack of data on injuries or fatalities that this requirement would "eliminate." NHTSA will continue to examine accident data on vans and consider amending the rule when an indication appears that a significant number of lives could be saved through the use of interior door locks.

Concerning recommendation H-79-17, which called NHTSA to include in its exploratory rulemaking and research activity control of crash aggressiveness of vans in relation to other vehicles, NHTSA notes that the ongoing 400 series rulemaking will increase the occupant crash protection provided by motor vehicles. One of the main objectives of this rulemaking, NHTSA states, is to determine performance requirements for vehicle aggressiveness, particularly for more aggressive vehicles

such as light trucks and vans. Research activities providing support for rulemaking on crash aggressiveness performance requirements of vehicles (including vans) have been and will continue to be implemented by NHTSA.

NHTSA's response includes a copy of its proposed rule, published November 9, 1978, at 44 FR 52264 on Motor Vehicle Safety Standards—Occupant Protection In Interior Impact; Impact Protection for the Driver from the Steering Control System; Steering Control Rearward Displacement.

Railroad

R-79-32 through 36.—National Railroad Passenger Corporation (Amtrak) on July 12 responded to the Safety Board's letter of June 21 commenting on initial response dated March 21 (44 FR 23393, April 19, 1979) to recommendations issued following investigation of the rear end collision of Conrail commuter train No. 400 with Amtrak passenger train No. 60 at Seabrook, Md., June 9, 1978.

The Safety Board's June 21 letter was specific to recommendations R-79-32 and R-79-34. With reference to R-79-32, which asked Amtrak to restrict the New Jersey Department of Transportation commuter car from use on the Northeast corridor until the interiors of the cars are altered to correct the injury-producing features of the car design, the Safety Board expressed concern with the problem of crashworthiness of these cars. However, the Board said, it did not intend to impose an undue burden on any transportation system if the degree of safety can be obtained by other means. It is the intent of the Board to provide safety for the travelling public, and if Amtrak can provide a suitable plan to eliminate the unsafe conditions of these cars expeditiously, the Board might consider it an alternative action. Concerning R-79-34, which asked Amtrak to establish train spacing so a following train will not be scheduled to operate on repetitive restrictive signals, the Board noted that Amtrak believed this to be impracticable primarily due to density of traffic. The Board believes that if proper safeguards are provided, trains can be safely operated in a high density area such as described by Amtrak in its March 21 response. A copy of the Board's June 23, 1978, letter to Amtrak was provided. The Board stated that if Amtrak will continue to operate trains as recommended in that letter, the trains can be operated safely without regard to spacing.

In response, Amtrak reports that it has now discussed the elimination of the alleged unsafe condition of commuter

cars with New Jersey DOT and was assured that all of these commuter cars are to be refurbished in the very near future. The refurbishment program will include the Board's recommendations to eliminate the injury-producing features such as unpadding metal strips on top of seats, large metal hooks for hats and coats, etc. Amtrak believes this should resolve the problem of car design.

Note.—Copies of recommendation letters issued by the Safety Board, response letters, and related correspondence are available free of charge. All requests for copies must be in writing, identified by recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906).)

Margaret L. Fisher,

Federal Register Liaison Officer.

August 13, 1979.

[FR Doc. 79-25376 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF THE FEDERAL REGISTER

Availability of U.S. Senate Procurement Regulations

Editorial Note: The United States Senate Committee on Rules and Administration adopted procurement regulations for the United States Senate on July 26, 1979, which apply to all procurements of personal property and non-personal services with some exceptions. For a copy of these regulations write to:

The Chairman, United States Senate,
Committee on Rules and Administration,
Room 305, Russell Senate Office Building,
Washington, D.C. 20510.

BILLING CODE 0000-00

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and

recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer; The office of the agency issuing this form; The title of the form; The agency form number, if applicable; How often the form must be filled out; Who will be required or asked to report; An estimate of the number of forms that will be filled out; An estimate of the total number of hours needed to fill out the form; and The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one-half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Agricultural Marketing Service
Food Facility Survey
MRD-1 & 2
Single time
Food wholesalers, distributors, and processors, 250 responses; 150 hours
Charles A. Ellett, 395-5080

Extensions

Rural Electrification Administration
*Estimated Schedule of Advances on FFB Notes Guaranteed by REA
REA 152
On occasion
REA Elec. and Tel. Borrowers, 100 responses; 25 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michaels—377-4217

New Forms

Bureau of the Census
November 1979 Origin and Foreign Language Supplement
CPS-1
Single time
Interviewed households in November 1979 CPS, 66,000 responses; 5,500 hours
Off. of Federal Statistical Policy and Standard, 673-7974

Bureau of the Census
Water Use in Manufacturing—Water Use in the Mineral Industries
MC-D-13A and MC-D-13B
Single time
Estab. W/water intake of 20 million gallons or more, 15,500 responses; 15,500 hours
Off. of Federal Statistical Policy and Standard, 673-7974

Bureau of the Census
1979 Farm Finance Survey (Operator and Landlord)
79-A9A and 79-A9E
Single time
National sample from 1978 Census of Agriculture, 90,000 responses; 55,000 hours
Off. of Federal Statistical Policy and Standard, 673-7974

Bureau of the Census
*Questionnaire for the Review of Recruiting Program
BC-1142
On occasion
College students, 1,350 responses; 113 hours

Richard Sheppard, 395-3211
Industry and Trade Administration
Lubricating Oil Additives
ITA-9031
Single time
Producers of lubricating oil additives, 41 responses; 21 hours
Richard Sheppard, 395-3211

Extensions

Bureau of the Census
*Men's Apparel
M-23E
Monthly
Men's apparel manufacturers, 5,400 responses; 1,350 hours
Off. of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wedneroth—697-1195

Revisions

Departmental and other
Contract Funds Status Report (CFSR)
DD 1586
Quarterly
Selected defense contractors, 4,000 responses; 20,000 hours
C. Louis Kincannon, 395-3772

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488

New Forms

Food and Drug Administration
Quick Response Surveys II
On occasion
Telephone households in national probability sample
Richard Eisinger, 395-3214
Office of Human Development
Assessment of Social Service
Demonstration Programs for Indian People
Single time
Description not furnished by agency, 174 responses; 85 hours
Barbara F. Young, 395-6132
Office of Human Development
*Information Form—National Register of Deaf-Blind Persons—Helen Keller National Center for Deaf-Blind Youths and Adults
On occasion
Deaf-blind, children, youths, and adults, 150 responses; 75 hours
Barbara F. Young, 395-6132
Office of Human Development
Identification of Caps in Services to Native Americans
Single time

48 Nat. Amer. Comm. plus sample of Hawaii and Alaska Comm., 1,000 responses; 1,000 hours

Barbara F. Young, 395-6132

Public Health Service

Pilot Test Using Hair Samples in a Future Health and Nutrition Examination Survey

Single time

Sample of persons in eight (8) areas in the U.S., 1,000 responses; 80 hours
Off. of Federal Statistical Policy and Standard, 673-7974

Extensions

Social Security Administration

*Confirmation of School Attendance
SSA-2876

Semiannually

Educational institutions outside the U.S.A., 10,000 responses; 1,333 hours
Barbara F. Young, 395-6132

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—John T. Murphy—755-5190

Reinstatements

Housing Management

Operating Budget

HUD-52566, 52567, 52571 and 52573
Annually

PHA's 3,000 responses; 60,000 hours
Arnold Strasser, 395-5080

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633-3526

New Forms

Offices, Boards, Division

Feedback

NIC 4

Single time

Correctional Practitioners, 500 responses; 125 hours

Laverne V. Collins, 395-3214

Revisions

Immigration and Naturalization Service

*Canadian Border Boat Landing Care
I-68

On occasion

Canadian nationals 4,200 responses; 700 hours

Laverne V. Collins, 395-3214

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523-6341

Revisions

Employment Standards Administration

*Contractor's Report of Construction
Wage Rates

WD-10

On occasion

Contractors, 42,400 responses; 10,600 hours

Arnold Strasser, 395-5080

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—John J. Stanton—245-3064

New Forms

Information Required From Stationary Air Sources To Calculate Noncompliance Penalties

Single time

Major source violators of clean air regulations, 204 responses; 6,528 hours
Edward H. Clarke, 395-5867

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Agency Clearance Officer—Wallace Velander—755-3122

New Forms

*Product Inquiry

Annually

Manufacturers/distrib's. of auto/electronic hdwre., 500 responses; 230 hours

C. Louis Kincannon, 395-3772

Revisions

Application for Patent License in Countries Other Than the U.S.

NASA 1531

On occasion

Applicants for foreign patent license, 50 responses; 50 hours

C. Louis Kincannon, 395-3772

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4693

Revisions

*Statement of Marital Relationship; Statement Regarding Marriage

G-124 (10-53) and G-124A (10-53)

On occasion

Applicants; witnesses 800 responses; 320 hours

Barbara F. Young, 395-6132

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389-2282

New Forms

Phase I—Survey of Public Attitudes Toward Vietnam Era Veterans

Single time

National cross-section of adults, 1,200 responses; 400 hours

Office of Federal Statistical Policy and Standard, 673-7974

Revisions

*Veterans Initial Application in Acquiring Specially Adapted Housing

21-455

On occasion

Disabled veterans, 4,800 responses; 800 hours

C. Louis Kincannon, 395-3772

David R. Leuthold,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-25380 Filed 8-15-79; 8:45 am]

BILLING CODE 3110-01-M

Federal Actions To Support State and Local Government Productivity Improvement; Draft Report of the National Productivity Council Availability for Comment

The National Productivity Council serves as the focal point in the Executive Branch for Federal efforts to improve productivity in the public and private sectors of the economy (Executive Order 12089; Federal Register, Volume 43, No. 207, October 25, 1978). The Director of the Office of Management and Budget serves as chairman of the Council.

Over the past few months an ad hoc study team established by the Council has considered the actions that the Federal Government can and should take to support productivity improvement in State and local governments. A draft report has been prepared, and is available for public review and comment.

Requests for copies of the report should be made to:

Robert G. Joyce, Intergovernmental Personnel Programs, Office of Personnel Management, Room 2311, 1900 E Street, N.W., Washington, D.C. 20415, 202-632-6274.

Written comments should be sent by September 14, 1979, to:

Edward H. Chase, Management Improvement and Evaluation Division, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, D.C. 20503.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 79-25290 Filed 8-15-79; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. MC76-5; Order No. 292]

Basic Mail Classification Reform Schedule, 1976; Order Reassigning Presiding Officer

August 10, 1979.

Before Commissioners: A. Lee Fritschler, Chairman; James H. Duffy,

Vice Chairman; Simeon M. Bright; Clyde S. DuPont; Kieran O'Doherty.

On March 7, 1977, the Commission issued a notice designating Commissioner Clyde S. DuPont as Presiding Officer in this docket, in succession to former Commissioner Paul Miltich, resigned.¹

The Commission now amends that notice by assigning Vice Chairman James H. Duffy as Presiding Officer, effective as of the date of this Order.

The Commission orders: (A) Vice Chairman James H. Duffy shall act as Presiding Officer in this docket, in substitution for Commissioner Clyde S. DuPont.

(B) This Order shall be effective immediately upon its issuance.

By the Commission,
Cyril J. Pittack,
Acting Secretary.

[FR Doc. 79-25291 Filed 8-15-79; 8:45 am]

BILLING CODE 7715-01-M

[Docket No. MC79-3; Order No. 291]

Red-Tag Proceeding, 1979; Order Reassigning Presiding Officer

August 10, 1979.

Before Commissioners: A. Lee Fritschler, Chairman; James H. Duffy, Vice Chairman; Simeon M. Bright; Clyde S. DuPont; Kiernan O'Doherty.

On January 4, 1979, the Commission, by Order No. 228, assigned Commissioner Simeon M. Bright as Presiding Officer in this docket. The Commission now amends that Order by assigning Chairman A. Lee Fritschler as Presiding Officer, effective as of the date of this order.

The Commission orders: (A) Chairman A. Lee Fritschler shall act as Presiding Officer in this docket, in substitution for Commissioner Simeon M. Bright.

(B) This Order shall be effective immediately upon its issuance.

By the Commission,
Cyril J. Pittack,
Acting Secretary.

[FR Doc. 79-25292 Filed 8-15-79; 8:45 am]

BILLING CODE 7715-01-M

POSTAL SERVICE

Privacy of Information; Systems of Records Modifications

AGENCY: U.S. Postal Service.

¹ Commission Miltich has been designated as Presiding Officer by Order No. 119, June 3, 1976.

ACTION: Advance Notice of Proposed Addition of Routine Use to Systems of Records.

SUMMARY: This document provides advance notice of the proposed addition of a routine use to four Postal Service systems of records. This proposed routine use would permit information in certain systems of records to be disclosed to certified public accounting firms during an official audit of Postal Service finances. The Postal Service proposes to include this routine use in USPS 050.005, Finance Records—Accounts Receivable File Maintenance, USPS 050.010, Finance Records—Employee Travel Records (Accounts Payable), USPS 050.020, Finance Records—Payroll System, and USPS 050.040, Finance Records—Uniform Allowance Program.

DATE: Comments regarding the proposed routine use must be received on or before September 17, 1979.

ADDRESS: Records Officer, U.S. Postal Service, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Hamel, (202) 245-4142.

SUPPLEMENTARY INFORMATION: As authorized by 39 U.S.C. 2008, the Postal Service routinely enters into contracts with certified public accounting firms to perform financial audits of Postal Service accounts. Such audits may involve the review of the systems of records named above. The proposed routine use would apply to the extent that certain records maintained in the affected systems would be examined for the purpose of making determinations concerning the Postal Service's financial posture and methods; those records would not be examined for the purpose of making determinations about individuals. A complete statement of the existence and character of each of the affected systems appeared in the *Federal Register* on September 8, 1978 (43 FR 40122).

In accordance with 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposed routine use. Final notice will be published after the time for public comment has elapsed. The notice of this routine use and the systems to which it applies follow:

USPS 050.005

SYSTEM NAME:

Finance Records—Accounts Receivable File Maintenance, 050.005

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

7. Records in this system are subject to review by an independent Certified Public Accountant during an official audit of Postal Service finances.

USPS 050.010

SYSTEM NAME:

Finance Records—Employee Travel Records (Accounts Payable), 050.010

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

7. Records in this system are subject to review by an independent Certified Public Accountant during an official audit of Postal Service finances.

USPS 050.020

SYSTEM NAME:

Finance Records—Payroll System

ROUTINE USES OF RECORDS MAINTAINED ON THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

24. Records in this system are subject to review by an independent Certified Public Accountant during an official audit of Postal Service finances.

USPS 050.050

SYSTEM NAME:

Finance Records—Uniform Allowance Program

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

8. Records in this system are subject to review by an independent Certified Public Accountant during an official audit of Postal Service finances.

W. Allen Sanders,

Acting Deputy General Counsel.

[FR Doc. 79-25420 Filed 8-15-79; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16069, SR-MSRB-79-7]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

August 10, 1979.

In the matter of Municipal Securities Rulemaking Board, Suite 507, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036, (SR-MSRB-79-7).

On June 6, 1979, the Municipal Securities Rulemaking Board (the "MSRB") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change would amend MSRB rule G-3 to specify that any person who is required to serve an apprenticeship period under MSRB rule G-3 may engage in the limited activities of an apprentice without passing the examination required by that rule and to limit the maximum apprenticeship period to 180 days.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 15937 (June 19, 1979)) and by publication in the *Federal Register* (44 FR 39675 (1979)). No comments were received by the Commission with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 79-25316 Filed 8-15-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 6102; 18-51]

Schiff, Hardin & Waite Professional Retirement Plan; Filing of Application

August 9, 1979.

In the matter of Schiff, Hardin & Waite Professional Retirement Plan,

7200 Sears Tower, 233 South Wacker Drive, Chicago, IL 60606 (18-51).

Notice is hereby given that the law firm of Schiff, Hardin & Waite ("Applicant" or the "Firm"), an Illinois partnership, has, by letter dated April 13, 1978, applied for an exemption from the registration requirements of the Securities Act of 1933 ("Act") for any participations or interests issued in connection with the Schiff, Hardin & Waite Professional Retirement Plan and related trust for partners and associate lawyers (hereinafter collectively referred to as the "Plan"). All interested persons are referred to those documents, which are on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. Introduction

The Plan covers Applicant's partners and associate lawyers, of whom there were 46 and 32, respectively, participating in the Plan as of December 31, 1978. All attorneys are eligible to participate in the Plan if they have completed one year of service with the Firm and reached age 25.

The Plan is of a type, commonly referred to as a "Keogh" plan, which covers persons (in this case the Firm's partners) who are "employees" within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954, as amended (the "Code"). Therefore, even though the Plan is qualified under Section 401 of the Code, the exemption provided by Section 3(a)(2) of the Act is inapplicable to interests in the Plan, absent an order of the Commission issued under Section 3(a)(2).

Applicant states that prior to 1977, the Firm had only an Illinois office and relied on, among other available exemptions, the so-called "intrastate" exemption from registration under Section 5 of the Act. In March, 1977, the Firm opened an office in Washington, D.C. The Firm now deems it appropriate to apply for an exemption under Section 3(a)(2).

In relevant part, Section 3(a)(2) provides that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a pension or profit-sharing plan which covers employees, some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly

intended by the policy and provisions of the Act.

II. Description and Administration of the Plan

Applicant states that the Plan was adopted in 1968 and was amended and restated in its entirety, effective as of January 1, 1976, in order to comply with the Employee Retirement Income Security Act of 1974 ("ERISA"). The Internal Revenue Service has issued a ruling to the effect that the Plan, as so amended and restated, continues to be a qualified plan under Section 401 of the Code. The Plan is an employee profit-sharing plan subject to the fiduciary standards and to the full reporting and disclosure requirements of ERISA. The Plan has a mandatory Firm contribution feature and a voluntary participant contribution feature, both of which are based on a percentage of compensation.

Applicant states that the Plan is administered through a single trust with three of the Firm's senior partners acting as trustees. The LaSalle National Bank, a national banking institution, acts as custodian for trust assets. The trust agreement contains provisions for separate investment funds to be managed by a registered investment adviser under the Investment Advisers Act of 1940. The Plan presently has three investment funds: the Equity Fund, the Fixed Income Fund and the Current Yield Fund. A participant has the right to designate the amounts to be held in each of the three investment funds and to change such designations. In addition, a participant may select an individual investment account with Dean Witter Reynolds, Inc., a registered broker-dealer, in which the participant may direct the investment of all or a portion of his account to be in any security traded on a national exchange or over-the-counter, in any U.S. governmental or high-grade corporate bonds, in Certificates of Deposit, or placed in a savings account. Finally, a participant may direct that up to 50 percent of the contributions on his behalf be used to purchase life insurance.

The Trustees have the power to appoint and to remove investment managers and bank custodians with respect to Plan assets. Applicant asserts that the Firm exercise substantial administrative responsibilities in connection with the Plan.

III. Discussion

Applicant contends that were the Firm a corporation, rather than a partnership, interests or participations issued in connection with the Plan would be exempt from registration under Section

3(a)(2) of the Act, because no person who would be an "employee" within the meaning of Section 401(c)(1) of the Code would participate in the Plan. Applicant argues that the mere fact that it conducts its business as a partnership rather than as a corporation should not result in a requirement that interests in the Plan be registered under the Act.

Applicant also maintains that were the Firm's partners not permitted to participate in the Plan, the interests or participations issued in connection with the Plan would be exempt under Section 3(a)(2) since no other persons covered by the Plan would be "employees" within the meaning of Section 401(c)(1) of the Code. Applicant argues that there is no valid basis for a contrary result merely because the Plan also covers partners in the Firm.

Applicant also argues that the Plan covers only partners and associate lawyers of the Firm, who are professionals generally sophisticated in investments and financial analysis and able to protect their interests adequately without the protection of the registration requirements of the Act. Applicant believes that the rigorous disclosure requirements of ERISA and the fiduciary standards and duties imposed thereunder are adequate to provide full protection to the participants.

Finally, Applicant argues that the characteristics of the Plan are essentially typical of those maintained by many single corporate employers and that the legislative history of the relevant language in Section 3(a)(2) of the Act does not suggest any intent on the part of Congress that interests issued in connection with single-employer Keogh plans necessarily should be registered under the Act. Applicant argues that its Plan is distinguishable from multi-employer plans or uniform prototype plans designed to be marketed by a sponsoring financial institution or promoter to numerous unrelated self-employed persons and that these latter plans are the type of plans Congress intended to exclude from the Section 3(a)(2) exemption.

For all of the foregoing reasons, Applicant believes that the Commission should issue an order finding that an exemption from the provisions of Section 5 of the Act for interests or participations issued in connection with the Plan is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than

September 4, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement of the nature of his or her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request to be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. An order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 79-25318 Filed 8-15-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10825; 811-1782]

Shenandoah Variable Annuity Fund A; Filing of Application

August 9, 1979.

In the matter of Shenandoah Variable Annuity Fund A, 2301 Brambleton Avenue SW, Roanoke, VA 24015 (811-1782).

Notice is hereby given that Shenandoah Variable Annuity Fund A ("Applicant"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on July 17, 1979, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. Applicant has distributed all of its assets to its securityholders and has effected a winding-up of its affairs. All interested persons are referred to the application on file with the Commission for a statement of the representations which are contained therein and summarized below.

Applicant is a variable annuity separate account of the Shenandoah Life Insurance Company established pursuant to state law of Virginia on February 23, 1968. Applicant registered under the Act on December 18, 1968. Its registration statement under the Securities Act of 1933 was filed on December 18, 1968, and became effective on September 22, 1969.

In a special meeting on May 16, 1978, Applicant's Board of Managers unanimously approved a plan of liquidation and recommended its acceptance by contractowners. In a special meeting on August 17, 1978, Applicant's contractowners considered and approved said plan. Applicant has now distributed all of its assets and has no liabilities or securityholders.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Accordingly, Applicant has requested the Commission to issue an order pursuant to Section 8(f) of the Act declaring that it has ceased to be an investment company.

Notice is further given that any interested person may not later than September 4, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 4, 1979, unless the Commission thereafter orders a hearing upon request or upon the commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if

ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 79-25317 Filed 8-15-79; 8:45 am]

BILLING CODE 8010-01-M

[SR-SCCP-79-5; Release No. 34-16090]

Stock Clearing Corp. of Philadelphia ("SCCP"); Order Approving Proposed Rule Change

August 10, 1979.

On April 16, 1979, SSCP filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change amending the period of time the Board of Directors must wait before taking disciplinary action against SSCP members delinquent in paying dues, fees, fines or other SSCP charges. The time period has been shortened from 90 days to 30 days.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-15834, May 18, 1979 and by publication in the *Federal Register* (44 FR 30799, May 29, 1979). No written comments were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 79-25315 Filed 8-15-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 681]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the

Department is submitting its July 1979 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV (c) (4) of the guidelines published in the *Federal Register* on August 24, 1978.

Dated: August 3, 1979.

Paul J. Byrnes,

Director, Office of International Conferences.

United States Delegation to the Second Meeting of the Intergovernmental Group of Experts on Copper, United Nations Conference on Trade and Development (UNCTAD), Geneva, June 25-July 6, 1979

Representative

Gordon Streeb, United States Mission, Geneva.

Alternate Representative

Robert S. Simpson, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State.

Advisers

Timothy Dulaney, Office of Raw Materials and Oceans Policy, Department of the Treasury.

Paul F. Hurley, Bureau of Intelligence and Research, Department of State.

James H. Jolly, Bureau of Mines, Department of the Interior.

Antonio Macone, Associate Director, Office of International Trade Policy, Department of Commerce.

Private Sector Adviser

Harold Sacks, Senior Vice President, Brandeis-Goldschmidt and Co., Inc., New York, New York.

United States Delegation to the Third Session, United Nations Conference on Natural Rubber, United Nations Conference on Trade and Development (UNCTAD), Geneva, June 25-July 13, 1979

Representative

Richard M. Ogden, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State.

Alternate Representative

Gordon Streeb, United States Mission, Geneva.

Advisers

Judith Bello, Attorney Adviser, Department of State.

Bruce Hack, Office of Raw Materials and Ocean Policy, Department of the Treasury.

Thomas H. Martin, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State.

Fred Siesseger, International Commodities Division, Department of Commerce.

Private Sector Advisers

A. J. Ashe, B. F. Goodrich Company, Akron, Ohio.

Eric P. Bierrie, United Baltic Corporation, New York, New York.

J. J. Reidl, Goodyear Tire and Rubber Company, Akron, Ohio.

Robert Sanders, ACLI Corporation, White Plains, New York.

Ester Shapiro, Director of Consumer Affairs, City of Detroit, Detroit, Michigan.

United States Delegation to the 31st Annual Meeting of the International Whaling Commission (IWC), London, July 9-13, 1979, and Associated Working Group Meetings

U.S. Commissioner

The Honorable Richard A. Frank, Administrator, National Oceanic and Atmospheric Administration.

Deputy Commissioner

The Honorable Thomas Garrett, Garrett, Wyoming.

Congressional Advisers

Don Bonkers, United States House of Representatives.

Paul McCloskey, United States House of Representatives.

Congressional Staff Advisers

Donna Williams, House of Merchant Marine and Fisheries Committee.

Christine Dawson, Senate Commerce Committee.

Advisers

William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

Janice Barnes, Office of Oceans and Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

Robert Brownell, Fish and Wildlife Laboratory, U.S. Fish and Wildlife Service, Department of the Interior.

Morris Busby, Director, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

Douglas Chapman, Chairman, Marine Mammal Commission.

Prudence I. Fox, Foreign Affairs Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

Jerry Gilliland, Special Assistant to the Secretary for Alaska, Department of Interior.

Eldon Greenberg, General Counsel, National Oceanic and Atmospheric Administration.

John Hough, Special Assistant to the Secretary, Department of Interior.

Terry L. Leitzell, Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

Michael Levitt, Office of the General Counsel, National Oceanic and Atmospheric Administration.

Albert Mark, Director of Public Affairs, National Oceanic and Atmospheric Administration.

Michael Tillman, Marine Mammal Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

Private Sector Advisers

Robbins Barstow, Monitor.
Thomas Kimball, National Wildlife Federation.
Maxine McCloskey, Whale Center, Oakland, California.
Rosita Worl, University of Alaska.

United States Delegation to the Twelfth Session of the Subcommittee on Standards of Training and Watchkeeping Intergovernmental Maritime Consultative Organization (IMCO), London, July 9-13, 1979

Representative

Donald E. Hand, Captain, USCG, Chief, Merchant Vessel Personnel Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Alternate Representative

James R. Norman, Lt. Commander, USCG, Chief, Licensing and Evaluation Branch, Merchant Vessel Personnel Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Advisers

Arthur W. Friedberg, Director, Office of Maritime Manpower, Maritime Administration, Department of Commerce.
Samuel Keiter, First Secretary, United States Embassy, London.

Private Sector Advisers

John F. Fay, Port Agent, Seafarers International Union—AFL-CIO, Philadelphia, Pennsylvania.
Paul M. Hammer, Director, Operations, American Institute of Merchant Shipping, Washington, D.C.
William Rich, Director, Research and Training, International Organization of Masters, Mates and Pilots, AFL-CIO, New York, New York.
Edmund T. Sommer, Jr., Secretary and Counsel, Council of American Flagship Operators, Washington, D.C.

United States Delegation to the Thirty-Seventh Session of the International Conference on Education; International Bureau of Education of the United Nations Educational, Scientific, and Cultural Organization (UNESCO/IBE), Geneva, July 4-14, 1979

Representative

Peter D. Relic, Ed.D., Deputy Assistant Secretary for Education, Department of Health, Education and Welfare.

Alternate Representative

Thomas E. Cotner, Ph.D., Chief, International Services and Research Branch, Division of International Education, Office of Education, Department of Health, Education and Welfare.

Advisers

Edith H. Grotberg, Ed.D., Chief, Research, Demonstration and Evaluation Division, Administration for Children, Youth and Families, Department of Health, Education and Welfare.

Raymond A. Wanner, Ph.D., Education Attaché, United States Permanent Delegation to UNESCO, Paris.

Private Sector Adviser

Olin W. Stratton, President, American Association of School Administrators, Highland, Illinois.

United States Delegation to the Meeting of Transatlantic Dialog on NATO Arms Cooperation, North Atlantic Treaty Organization (NATO), Brussels, July 17, 1979

Representative

Clark DeJonge, Assistant Director for NATO, International Programs, Department of Defense.

Advisers

John A. Froebe, Office of NATO and Atlantic, Political-Military Affairs, Department of State.
Stephen M. Shaffer, Special Assistant, NATO Standardization, Department of Defense.

Private Sector Advisers

Michael D. Rich, Associate Director, Systems Acquisition Management Program, Rand Corporation.
Thomas Wetheral, Chief, International Programs Office, US Poland Project Office.

United States Delegation to the Fourteenth Session of the International Tin Council, and the Economic and Price Review Panel, London, July 16-20, 1979

Representative

Walter C. Lenahan, Deputy Chief, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State.

Alternate Representative

Paul P. Pilkauskas, First Secretary, American Embassy, London.

Advisers

Gregory Christopoulos, Office of Raw Materials and Oceans Policy, Department of the Treasury.
Roy Markon, Commissioner, Federal Property Resources Services, General Services Administration.
William Sugg, International Commodities Division, Bureau of International Economic Policy and Research, Department of Commerce.

Private Sector Advisers

Harold Haase, Vice President, Purchasing, United States Steel Corporation, Pittsburgh, Pennsylvania.
Malcolm Owings, Vice President, Continental Can Company, USA, Chicago, Illinois.
Lawrence Shepard, Public Advocates, Inc., San Francisco, California.
William A. Silverstein, Assistant Vice President, Associated Metals and Minerals Corporation, New York, New York.

United States Delegation to the Group of Experts on Plutonium Storage, International Atomic Energy Agency (IAEA), Vienna, July 18-22, 1979

Representative

Frederick McGoldrick, Policy Planning Adviser, Department of Energy.

Advisers

Gary Bray, Non-Proliferation Bureau, Arms Control and Disarmament Agency.
Richard Lewis, Office of Energy Safeguards and Technology, Department of State.

Private Sector Adviser

William Frankhouser, Systems Planning Corporation, Arlington, Virginia.

United States Delegation to The United Nations Cocoa Conference, United Nations Conference on Trade and Development (UNCTAD), Geneva, July 16-27, 1979

Representative

David H. Burns, Chief, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State.

Alternate Representative

David A. Ross, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State.

Advisers

Donald Crafts, Office of Raw Materials, Department of the Treasury.
Ralph Ives, Resources Policy Division, Department of Commerce.
George A. Lehner, Jr., Attorney Adviser, Office of Legal Adviser, Department of State.
Gordon Streeb, US Mission, Geneva.

Private Sector Advisers

John C. K. Buckley (July 23-27), Vice President, Purchasing, The Nestle Company, White Plains, New York.
Walter Clayton (July 16-20), Vice President, Gill and Duffus, New York, New York.
Harold J. Gettinger (July 16-20), Vice President, Commercial, M&M/Mars, Inc., Hackettstown, New Jersey.
Julian Hemphill (July 16-27), Consultant, New York Cocoa Exchange, New York, New York.
Joanna Moss (July 16-27), Economist, Public Interest Economics Foundation, San Francisco, California.
William J. Shaughnessy (July 23-27), Manager, Commodity Analysis, Hershey Foods, Hershey, Pennsylvania.

United States Delegation to the FAO/WHO 16th Session of the Codex Alimentarius Committee on Food Hygiene, Washington, D.C., July 23-27, 1979

Representative

William V. Eisenberg, Assistant Director, Division of Microbiology, Food and Drug Administration.

Advisers

- Ari Brynjolfsson, Food Engineering Laboratory, U.S. Army Natick Research and Development Command, Natick, Maine.
- E. Spencer Garrett, Director, National Fishery Products Inspection and Safety Laboratory, National Marine Fisheries Service, Pascagoula, Mississippi.
- John E. Kvenberg, Division of Microbiology, Food and Drug Administration.
- George J. Jackson, Parasitologist, Division of Microbiology, Food and Drug Administration.
- Joseph W. Lepak, Assistant to Director, Division of Microbiology, Food and Drug Administration.
- Thomas R. Mulvaney, Chief, Processing Section, Division of Food Technology, Food and Drug Administration.
- Robert W. Weik, Acting Assistant Director for International Standards, Bureau of Foods, Food and Drug Administration.

Private Sector Advisers

- Cleve B. Denny, Director, Research Services, National Food Processors Association, Washington, D.C.
- Nino F. Insalata, General Foods Corporation, Technical Center, White Plains, New York.
- United States Delegation to the Second Session of the Ad Hoc Working Group on the Relationship Between Shipmaster, shipowner and Maritime Administration, Intergovernmental Maritime Consultative Organization (IMCO), London, July 23-27, 1979

Representative

- Edward H. Middleton, Technical Staff, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Adviser

- Steven J. Delaney, Lt. Cmdr., USCG, Maritime and International Law Division, Office of the Chief Counsel, United States Coast Guard, Department of Transportation.

Private Sector Adviser

- William L. Rich, Jr., Director of Research and Training, International Organization of Masters, Mates and Pilots—AFL/CIO, New York, New York.

United States Delegation to the Organization of American States (OAS), Inter-American Telecommunications Commission (CITEL), Permanent Technical Committee III, Bogota, July 23-27, 1979

Delegate

- The Honorable, Glen O. Robinson, Department of State.

Advisers

- Samuel E. Probst, National Telecommunications and Information Administration.
- Richard E. Shrum, Department of State.
- William R. Torak, Federal Communications Commission.

Francis S. Urbany, National Telecommunications and Information Administration.

Private Sector Advisers

- Michael Pagones, Bell Telephone Laboratories, Holmdel, New Jersey.
- Ronald F. Stowe, Satellite Business Systems, McLean, Virginia.

[FR Doc. 79-25248 Filed 8-15-79; 8:45 am]

BILLING CODE 4710-19-M

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing; Safe Harbor Hydroelectric Project

August 10, 1979.

Notice is hereby given that the Susquehanna River Basin Commission will hold a public hearing as part of its review of the Safe Harbor Hydroelectric Project. The public hearing will begin at 1:00 p.m. on Thursday, October 11, 1979, at the Penn Harris Motor Inn, By-Pass Rtes. 11 and 15, Camp Hill, Pa.

The hearing is being held to receive pertinent testimony from the power company and other interest parties concerning operation of the project and its impact on the water and related resources of the basin. The project owner-operator has applied to the Susquehanna River Basin Commission for approval to continue to use the basin's water resources for the operation of its facility.

Safe Harbor Hydroelectric Project is owned and operated by the Safe Harbor Water Power Corporation, a subsidiary of the Baltimore Gas & Electric Co. (BG&E) and the Pennsylvania Power and Light Co. (PP&L). BG&E holds a two-thirds interest in the Safe Harbor Corporation and PP&L holds the remaining one-third interest.

The project is located on the Susquehanna River approximately nine miles southwest of Lancaster, Pa. and 18 miles southeast of York, Pa. Consisting of a dam, powerhouse, reservoir and certain appurtenant electrical transmission facilities situated within the counties of Lancaster and York, Pa., the project has an aggregate generating capacity of 230,000 kw. The reservoir formed by the dam extends upstream about 10 miles and has a surface area of about 11.5 square miles.

The principal areas of interest upon which the Commission is basing its review of this project are:

- I. Flood Control.
- II. Water Supply.
 - A. Minimum Flow Releases.
 - B. Authorized Diversions.
- III. Water Quality.

- IV. Recreation, Fish & Wildlife.
- V. Cultural & Visual Amenities.
- VI. General Concerns.
 - A. Redevelopment Plans.
 - B. Debris Management.
 - C. Term of License.

The application documents filed by the project sponsor are available for public inspection during regular business hours at the office of the Susquehanna River Basin Commission, 1721 N. Front St., Harrisburg, Pa. 17102. The offices are open to the public from 8:00 a.m. to 4:00 p.m., Monday through Friday.

The hearing will be a legislative type of hearing under the SRBC rules of procedure governing review of projects to receive oral or written statements from interested individuals. Although the Commission will be asking questions of witnesses, this hearing is not a forum for cross examination by other participants.

Persons wishing to participate in the hearing may present oral and/or written testimony. Although not required, those wishing to testify in person are requested to contact the Secretary to the Commission, in writing, prior to the hearing.

Further information may be obtained by writing to the undersigned at the address of the Susquehanna River Basin Commission or by calling Mr. Richard Cairo at (717) 238-0423.

Dated: August 10, 1979.

Richard A. Cairo,

Secretary to the Commission.

[FR Doc. 79-25249 Filed 8-15-79; 8:45 am]

BILLING CODE 7040-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

Captain of the Port, Portland, Maine; Temporary Control of Portsmouth Vessel Traffic; Notice of Orders

Notice is hereby given that pursuant to the authority contained in Section 2 of the Port and Tanker Safety Act of 1978 (33 U.S.C. 1221, et. seq.) delegated to the Captain of the Port Portland at 33 CFR 160.35(b), Captain of the Port, Portland Order No. 2-79 was issued effective July 21, 1979. This ORDER will remain in effect until the current strike which has curtailed Portsmouth tug boat operations is settled.

Captain of the Port, Portland Order No. 2-79.

Subj: Emergency directions for vessel traffic within the Port of Portsmouth during a period when tug boat

assistance is unavailable due to work stoppage, strike or other cause.

Authorities: (a) Section 2 of the Port and Tanker Safety Act of 1978, 33 U.S.C. 1221 et. seq.

(b) Title 33, U.S. Code of Federal Regulations, Part 160.

(c) Title 49, U.S. Code of Federal Regulations Part 1.46(n)(4).

Discussion: 1. The lack of tug boat assistance to commercial vessels during vessel entry and departure from Portsmouth, during port movements, and vessels docking and undocking, presents increased dangers of vessel casualties involving groundings, collisions and ramblings. As a result of this increased danger extra precautions are necessary to ensure the safety of the Port of Portsmouth and the vessels within it.

2. The purposes of this Order are the prevention of damage to, or the destruction of any vessel, bridge or other structure on or in the navigable waters of the Port of Portsmouth, on any land structure or shore area immediately adjacent to those waters and to protect those navigable waters and the resources therein from environmental harm from vessel or structure damage, destruction or loss.

3. Authorities (a,b,c) authorize the Coast Guard Captain of the Port to temporarily control or restrict vessel traffic in an area which he determines to be especially hazardous by issuing orders or directions as are contained herein, and requires that each person who has notice of the terms of an order or direction issued under 33 CFR 160.35 shall comply with that order or direction.

Application: 1. These directions shall apply to all controlled vessels during a period when tug boat assistance is unavailable within the Port of Portsmouth and to all other vessels which shall keep clear of the controlled vessels.

Subject: Captain of the Port Portland, Maine temporary control of Portsmouth vessel traffic; notice of orders

2. U.S. Coast Guard and other operators of public vessels will coordinate their vessel traffic with the Vessel Control Operations Center, of the Captain of the Port, Portland (207) 772-8460.

3. In an emergency any person may deviate from this rule to the extent necessary to avoid endangering persons, property or the environment.

Nothing in this order should be construed as restricting reasonable movement in an emergency or of relieving the Master/Pilot of their responsibility for safe navigation, and

for following the practices of a prudent seaman.

Definitions: 1. Port of Portsmouth includes the navigable waters of the United States shoreward of the COLREGS Demarcation line and includes Portsmouth Harbor and the Piscataqua River.

2. Vessel means every description of watercraft or other artificial contrivance used or capable of being used, as a means of transportation on water.

3. Controlled vessels are all vessels, both U.S. and foreign, of 1600 gross tons and over and all tugs with tows.

Penalties: 33 U.S. Code 1232 provides that whoever violates a regulation issued under Section 2 of the Port and Tanker Safety Act of 1978 is liable to civil penalty of not more than \$25,000. A vessel used or employed in a violation of these regulations is liable in rem. 33 U.S. Code 1232 provides that whoever willfully violates a regulation issued under Section II of the Ports and Tanker Safety Act of 1978 shall be fined not more than \$50,000, or imprisoned for not more than five years, or both. Suspension and revocation proceedings against the holder of a license or a merchant mariner's document may be initiated.

Specific Orders: 1. All controlled vessel movements must be specifically authorized by the Captain of the Port. Delay in obtaining authorization to enter or depart Portsmouth Harbor may be anticipated.

2. All controlled vessels must provide the following information to the Captain of the Port at least 24 hours prior to their estimated time of arrival, departure or transit:

Name of Vessel: _____
 Length: _____
 Draft: _____
 Breadth: _____
 Cargo: _____
 Estimated Time of Arrival: _____
 Expected Anchorage or Berth: _____
 Propulsion and Horsepower: _____
 Number of Screws and Method of Control: _____
 Bow Thruster Capability: _____
 Tug Assistance arranged (horsepower and number): _____
 Pilot (Recency and type of experience if not a Portsmouth Pilot) _____
 The specified time and sequence of the operation considering tide, tidal currents and vessel/tug boat operating characteristics. _____

3. All vessels intending to use a Portsmouth Pilot will coordinate all information required by the Captain of the Port through the Portsmouth Pilot. Clearance for vessel transits will be granted or denied by the COTP to the Portsmouth Pilots.

4. All inbound controlled vessels will contact Coast Guard Portsmouth Harbor Station on channel 16 VHF-FM upon

passing lighted Buoy "2KR" at Kitts Rocks. Inbound Controlled vessels will request confirmation of entry clearance and shall not proceed into Portsmouth Harbor without receiving permission from the Captain of the Port.

5. All controlled vessels intending to depart or transit Portsmouth Harbor must contact Coast Guard Portsmouth Harbor Station on channel 16 VHF-FM at least three (03) hours prior to anticipated time of unmooring or weighing anchor. Such controlled vessels will request confirmation of the proposed movements authorization and shall not get underway without receiving said permission from the Captain of the Port.

6. The Master of all controlled vessels except tugs with tows, shall while the vessel is underway be on the bridge, ensure that the following precautions have been taken, and inform the pilot of these precautions:

a. Both anchors are either free in the hawsepipe or backed out and ready for immediate use.

b. A ship's officer is at the anchor control station and in direct communication with the bridge of the vessel, by telephone radio, or if adequate, by both visual means and amplified voice.

c. The vessel's propulsion plant is in proper order and manned for maneuvering conditions.

d. The necessary personnel, in direct telephone or telegraph communication with the bridge, are stationed in the steering machinery room ready to assume control immediately, should the vessel's normal steering control be lost.

Additional Information: 1. Continuous liaison shall be maintained between the pilots and the U.S. Coast Guard Captain of the Port, Portland, Maine.

2. The Captain of the Port shall monitor vessel dockings and undockings, and may be assisted by other public safety agency boats for the purpose of keeping other vessels (pleasure craft and similar miscellaneous vessels) clear of the ships being docked and undocked. Escorts may be provided in special cases. However, no assistance in any way resembling tug boat service or assistance will be provided, except in an emergency.

3. Emergency situations shall be immediately reported to the Captain of the Port, including groundings, collisions with any objects, fires, etc.

Anchorage: The Captain of the Port, Portland will maintain control of the Federal Anchorages within the Port of Portsmouth and may limit the length of anchorage stays in order to prevent

anchorage congestion and to facilitate the scheduling and movement of vessels bound for berths within the port.

Appeals: Appeal procedures as prescribed in 33 CFR 160.45 are as follows:

a. Any person (individual, firm, corporation, association, governmental entity, or partnership) directly affected by the directions of this Order may request reconsideration by the Captain of the Port Portland, and may appeal through the Captain of the Port to the First Coast Guard District Commander, and then to the Commandant of the U.S. Coast Guard, whose decision shall be final.

b. Requests for reconsideration and appeals may be written or oral, but if oral, must be followed by no less than a written outline of the key points made. The Coast Guard official to whom the request of appeal is made will provide a written decision if requested.

c. While any request or appeal is pending, the order or direction remains in effect.

d. These appeal procedures do not apply to suspension or revocation proceedings against a holder of a license of merchant mariner's document. Suspension and revocation appeals are governed by the procedures in 46 CFR Subpart 5.30.

Notification: The 24 hour advanced notice information required by Specific Orders 2 must be given to Coast Guard Marine Safety Office Portland by calling (207) 772-8460 or (207) 780-3251. The radio notification on arrival, departure or harbor transit may be given to Coast Guard Station Portsmouth Harbor on channel 16 VHF-FM.

Controlled vessels wishing to report lightering, dangerous proximity situations in the anchorage or requesting an extension of its stay in the anchorage will do so by contacting Coast Guard Portsmouth Harbor Station on channel 16 FM.

K. P. Pensom,

Commander, U.S. Coast Guard, Captain of the Port.

[FR Doc. 79-25391 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-14-M

Captain of the Port, Portland, Maine; Temporary Control of Portland Vessel Traffic; Notice of Orders

Notice is hereby given that pursuant to the authority contained in Section 2 of the Port and Tanker Safety Act of 1978 (33 USC 1221, et seq.) delegated to the Captain of the Port Portland at 33 CFR 160.35(b), Captain of the Port, Portland Order No. 1-79 was issued effective

1200, July 13, 1979. This ORDER will remain in effect until the current strike which has curtailed Portland tug boat operations is settled.

Captain of the Port, Portland Order No. 1-79.

Subj: Emergency directions for vessel traffic within the Port of Portland during a period when tug boat assistance is unavailable due to work stoppage, strike or other cause.

Authorities: (a) Section 2 of the Port and Tanker Safety Act of 1978, 33 USC 1221 et seq.

(b) Title 33, U.S. Code of Federal Regulations, Part 160.

Discussion: 1. The lack of tug boat assistance to commercial vessels during vessel entry and departure from Portland, during inner port movements, and vessels docking and undocking, presents increased dangers of vessel casualties involving groundings, collisions and rammings. As a result of this increased danger extra precautions are necessary to ensure the safety of the Port of Portland, and vessels within it.

2. The purposes of this Order are the prevention of damage to, or the destruction of any vessel, bridge or other structure on or in the navigable waters of the Port or Portland, on any land structure or shore area immediately adjacent to those waters and to protect those navigable waters and the resources therein from environmental harm from vessel or structure damage, destruction or loss.

3. Authorities (a & b) authorize the Coast Guard Captain of the Port to temporarily control or restrict vessel traffic in an area which he determines to be especially hazardous by issuing orders or directions as are contained herein, and requires that each person who has notice of the terms of an order or direction issued under 33 CFR 160.35 shall comply with that order or direction.

Application: 1. These directions shall apply to all controlled vessels during a period when tug boat assistance is unavailable within the Port of Portland, and to all other vessels which shall keep clear of the controlled vessels.

Subj.: Captain of the Port Portland, Maine temporary control of Portland vessel traffic; notice of orders.

2. U.S. Coast Guard and other operators of public vessels will coordinate their vessel traffic with the Vessel Control Operations Center, of the Captain of the Port, Portland (207) 772-8460.

3. In an emergency any person may deviate from this rule to the extent necessary to avoid endangering persons, property or the environment.

Nothing in this order should be construed as restricting reasonable movement in an emergency or of relieving the Master/Pilot of their responsibility for safe navigation, and for following the practices of a prudent seaman.

Definitions: 1. Port of Portland includes the navigable waters of the United States shoreward of the COLREGS Demarcation line and includes Casco Bay, Luckse Sound, Broad Sound, Middle Bay, Hussey Sound and the Fore River.

2. The Inner Harbor is that portion of the Port of Portland upriver of the Portland (Million Dollar) Bascule Bridge.

3. The Outer Harbor is that portion of the Port of Portland down river of the Portland (Million Dollar) Bascule Bridge and includes all other areas inside the COLREGS Demarcation line not considered to be part of the Inner Harbor.

4. Vessel means every description of watercraft or other artificial contrivance used or capable of being used, as a means of transportation on water.

5. Controlled vessels are all vessels, both U.S. and foreign, of 1600 gross tons and over and all tugs with tows.

Penalties: 33 U.S. Code 1232 provides that whoever violates a regulation issued under Section 2 of the Port and Tanker Safety Act of 1978 is liable to civil penalty of not more than \$25,000. A vessel used or employed in a violation of these regulations is liable in rem. 33 U.S. Code 1232 provides that whoever willfully violates a regulation issued under Section II of the Ports and Tanker Safety Act of 1978 shall be fined not more than \$50,000, or imprisoned for not more than five years, or both. Suspension and revocation proceedings against the holder of a license or a merchant mariner's document may be initiated.

Specific Orders: 1. All controlled vessel movements must be specifically authorized by the Captain of the Port. Delay in obtaining authorization to enter or depart Portland Harbor may be anticipated.

2. All controlled vessels must provide the following information to the Captain of the Port at least 24 hours prior to their estimated time of arrival, departure or transit:

Name of Vessel: _____
 Length: _____
 Draft: _____
 Breadth: _____
 Cargo: _____
 Estimated Time of Arrival: _____
 Expected Anchorage or Berth: _____
 Propulsion and Horsepower: _____
 Number of Screws and Method of Control: _____
 Bow Thruster Capability: _____

Tug Assistance Arranged (horsepower and number): _____

Pilot (Recency and type of experience if not a Portland Pilot): _____

Docking Master and recency and type of experience: _____

3. All controlled vessels intending to enter, depart, or transit the inner harbor area must submit a detailed operational plan to the Captain of the Port for approval at least 24 hours before the proposed movement. This plan must include:

The Pilots experience transiting the Portland Bridge and Inner harbor area.

The vessels dimensions and clearances through the Portland Bridge.

The specific time and sequence of the operation considering tide, tidal currents and vessel/tug boat operating characteristics.

4. All inbound controlled vessels will contact Coast Guard Marine Safety Office Portland on channel 13 VHF-FM upon passing lighted Horn Buoy "P". Inbound controlled vessels will request confirmation of entry clearance and shall not proceed into Portland Harbor without receiving permission from the Captain of the Port.

5. All controlled vessels intending to depart or transit Portland Harbor must contact Coast Guard Marine Safety Office Portland on channel 13 VHF-FM at least three (03) hours prior to anticipated time of unmooring or weighing anchor. Such controlled vessels will request confirmation of the propose movements authorization and shall not get underway without receiving said permission from the Captain of the Port.

6. All controlled vessels, with the exception of passenger ferry vessels operating on a fixed and published schedule and tugs with tows, shall utilize the services of a state or federally license pilot while transiting, entering or departing Portland Harbor.

7. The Master of all controlled vessels except tugs with tows, shall while the vessel is underway be on the bridge, ensure that the following precautions have been taken, and inform the pilot of these precautions:

a. Both anchors are either free in the hawsepipe or backed out and ready for immediate use.

b. A ship's officer is at the anchor

control station and in direct communication with the bridge of the vessel, by telephone radio, or if adequate, by both visual means and amplified voice.

c. The vessel's propulsion plant is in proper order and manned for maneuvering conditions.

d. The necessary personnel, in direct telephone or telegraph communication with the bridge, are stationed in the steering machinery room ready to assume control immediately, should the vessel's normal steering control be lost.

Additional Information: 1. Continuous liaison shall be maintained between the pilots and the U.S. Coast Guard Captain of the Port, Portland, Maine.

2. The Captain of the Port shall monitor vessel dockings and undockings, and may be assisted by other public safety agency boats for the purpose of keeping other vessels (pleasure craft and similar miscellaneous vessels) clear of the ships being docked and undocked. Escorts may be provided in special cases. However, no assistance in any way resembling tug boat service or assistance will be provided, except in an emergency.

3. Emergency situations shall be immediately reported to the Captain of the Port, including groundings, collisions with any objects, fires, etc.

Anchorage: The Captain of the Port, Portland will maintain control of the Federal Anchorages within the Port of Portland and may limit the length of anchorage stays in order to prevent anchorage congestion and to facilitate the scheduling and movement of vessels bound for berths within the port.

Appeals: Appeal procedures as prescribed in 33 CFR 160.45 are as follows:

a. Any person (individual, firm, corporation, association, governmental entity, or partnership) directly affected by the directions of this Order may request reconsideration by the Captain of the Port Portland, and may appeal through the Captain of the Port to the First Coast Guard District Commander, and then to the Commandant of the U.S. Coast Guard, whose decision shall be final.

b. Requests for reconsideration and appeals may be written or oral, but if oral, must be followed by no less than a written outline of the key points made. The Coast Guard official to whom the request of appeal is made will provide a written decision if requested.

c. While any request or appeal is pending, the order or direction remains in effect.

d. These appeal procedures do not apply to suspension or revocation proceedings against a holder of a license of merchant mariner's document. Suspension and revocation appeals are governed by the procedures in 46 CFR Subpart 5.30.

Notification: All notification required by this order will be given either to Coast Guard Marine Safety Office, Portland, Maine via channel 13 FM, or by telephone to the following numbers: (207) 772-8460 or (207) 780-3251.

Controlled vessels wishing to report lightering, dangerous proximity situations in the anchorage or requesting an extension of its stay in the anchorage will do so by contacting Coast Guard Marine Safety Office Portland on channel 16 FM.

K. P. Penson,

Commander, U.S. Coast Guard, Captain of the Port.

[FR Doc. 79-25392 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-79-16]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comment on petitions received must identify the petition docket number

involved and must be received on or before September 6, 1979.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on August 10, 1979.

Carl B. Schellenberg,
Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19440	Royal Hawaiian Air Service	14CFR 135.297	To permit petitioner's pilots to operate under Part 135 without demonstrating an approach to a Non-Directional Beacon facility.
19441	Pratt & Whitney	14 CFR Part 33	To permit deletion of establishing time for first overhaul and to use the Overhaul Test of FAR 33.90 as guidance for the Maintenance Review Board in establishing an engine maintenance program. To allow an initial rotor component cyclic life as determined by a prediction procedure which utilizes statistical analysis of material data, thermal and stress analyses and service experience. To establish definition of various types of mount loads and allow mounts to withstand ultimate loads without failure but they may exhibit permanent deformation. Following test, to permit rotor diametral growths no greater than 1% and no rotor may be cracked. During 30 minute period at idle to permit periodic engine accelerations to 60% N sub one speeds at ten minute intervals. To permit 5 minutes instead of 30 minutes at 75 degrees higher than maximum operating limit.
199443	Air Atlantic Airlines	14 CFR 135.10 and 135.243(a)	To allow the petitioner an extension of time for compliance with the pilot-in-command requirement to possess an Airline Transport Pilot certificate while operating their commuter air line.
19444	Kodiak-Western Alaska	14 CFR 135.203	To allow the petitioner to operate aircraft below Visual Flight Rules minimums.
19447	University of New Haven	14 CFR 141.79(c) and 61.79(c)	To allow persons attending petitioner's 21-hour seminar for Chief Flight Instructors to meet the requirements of § 61.79(c).

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
15194	Compania Mexicana de Aviacion, S.A.	14 CFR Parts 21, 61, 63, and 91	To allow Petitioner an amendment to Exemption No. 2195H, as amended, to add airmen so that they may serve on U.S.-registered B727 aircraft. <i>Granted 8/2/79.</i>
13498	Aerolinee Itavia	14 CFR Parts 21, 61, and 91	To allow petitioner an amendment of Exemption No. 1958M, as amended, to update the list of airmen who are permitted to serve as flight crewmembers on lease, U.S.-registered DC-9 aircraft. <i>Granted 8/1/79.</i>
19418	Air New England, Inc.	14 CFR 135.171	To allow the petitioner to operate a DHC-6 aircraft without having shoulder harnesses installed at flight crewmembers' stations. <i>Granted 8/1/79.</i>
19159	Duncan Aviation, Inc.	14 CFR 65.81(a) and 145.39(d)	To allow Mr. Joseph Hollier to supervise the maintenance and overhaul of Hartzell propellers without the 18 months experience required for a repairman certificate. <i>Denied 8/2/79.</i>
19281	Midwest Air Charter	14 CFR 121.221(f)	To permit the carriage of their employees as passengers in "E" compartment of their Caravelle cargo aircraft. <i>Petition withdrawn 7/9/79.</i>

[FR Doc. 79-25302 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

[FHWA Docket No. 77-14]

Great River Road; Final Section 4(f) Determination.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTIONS: (1) Notice of Non-applicability of section 4(f) to Certain Great River Road (GRR) projects. (2) Notice of Final section 4(f) Determination for Certain GRR projects. (3) Notice of Withdrawal of blanket Negative Declaration for Certain GRR projects.

SUMMARY: This document is a notice of three actions relating to certain GRR projects which would have limited or positive impacts on significant publicly owned public parks, recreational areas, or wildlife and waterfowl refuges or on significant historic sites. Section 4(f) of the Department of Transportation Act, 49 U.S.C. 1653(f), 23 U.S.C. 138, requires that certain determinations be made prior to use of land from such areas for transportation purposes. The action taken are as follows:

(1) A determination that section 4(f) does not apply to certain GRR projects, described in greater detail below.

(2) A "blanket" section 4(f)

determination for certain types of GRR projects, described in greater detail below.

(3) Withdrawal of a proposed negative declaration for the above projects. A negative declaration is prepared to comply with the National Environmental Policy Act, 42 U.S.C. 4321, et seq. Comments on all of the above actions were requested in a Notice published in the Federal Register on November 3, 1977, at 42 FR 57583.

EFFECTIVE DATE: August 16, 1979.

FURTHER INFORMATION CONTACT: Robert E. Gatz, Office of Environmental Policy,

Room 3232, 202/426-0106, or Edward V.A. Kussy, Deputy Assistant Chief Counsel for Right-of-Way and Environmental Law, Room 4230, 202/426-0791, Federal Highway Administration, 400-7th Street, SW., Washington, D.C. 20590, between the hours of 7:45 a.m. and 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Federal-Aid Highway Act of 1973 (Pub. L. 93-87) added section 148 of Title 23, U.S.C. which provides for the designation, planning, and construction of a National Scenic and Recreational Highway in the proximity of the Mississippi River to be known as the Great River Road. The primary purpose of the Great River Road is to provide scenic and recreational driving experiences for residents of the States adjacent to the Mississippi River and the Nation.

Section 148(b) expands the definition of construction for the Great River Road to include acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities as determined by the Secretary. The criteria for the location and construction or reconstruction of the Great River Road was promulgated by FHWA at 23 CFR Part 661, codifying Federal-Aid Highway Program Manual, Volume 6, Chapter 9, Section 15.

Part 661 of 23 CFR states in part: "The road shall be located to take advantage of scenic river views and provide the user opportunities to stop and enjoy unique features and recreational activities." (23 CFR 661.4(b).)

"The road shall provide for a variety of experiences or themes, such as scenery, nature, history, geology, and land use for scientific or cultural purposes." (23 CFR 661.4(c).)

"The road shall include, or allow for subsequent development of, conveniently spaced roadside rest areas and other facilities so that the user may view and otherwise take advantage of the scenic, recreational and cultural areas of interest along the route." (23 CFR 661.14(d).)

"The road shall be located so that the unique values of the corridor may be protected. This may be accomplished by appropriate route selection, effective control, or elimination of development inconsistent with the nature and performance of the highway through zoning or other land use restrictions, the

acquisition of scenic easements and, where necessary, the direction acquisition of scenic, historic, woodland, or other areas of interest in fee or by other appropriate measures." (23 CFR 661.4(e).)

Section 4(f) of the Department of Transportation Act of 1966, as amended (49 U.S.C. 1653(f)) provides that the Secretary may not approve any program or project "which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance * * * or any land from an historic site of national, State or local significance * * * unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such uses." The National Environmental Policy Act of 1969 (49 U.S.C. 4321-4347) requires an environmental impact statement for "every recommendation or request on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment."

The types of projects to which the various determinations set forth in this notice apply are described in the body of the determination, *infra*.

The November 3, 1977, notice, published at 42 FR 57583, contained an interim determination by the Federal Highway Administration regarding 42 U.S.C. 1653(f) (the Department of Transportation Act) with respect to 23 U.S.C. 148 (the Great River Road Program). The determination was effective on the date of publication but subject to revision depending on the comments received. Decisions, approvals or authorizations which were given by FHWA pursuant to the interim determinations set forth at 42 FR 57583 are not altered or affected by the final determinations set forth in this document.

Comments were received from a total of 12 offices including 2 State transportation agencies, 1 State conservation commission, 3 Federal agency offices (2 Housing and Urban Development (HUD) offices and from the Department of the Interior (DOI)) and also from the National Wildlife Federation. Each of these responses has been carefully evaluated and, where appropriate, modifications have been made in the determination.

Comments from the two State transportation agencies suggested a programmatic Section 106 Agreement for GRR projects. In addition it was

suggested we waive the requirements for a Section 404 permit and also Executive Order 11990 (wetlands) for those projects included in the interim determination. Each of these requirements is a separate legal requirement beyond the scope of this document. Accordingly we do not consider it possible to waive the requirements of these documents.

The two responses from HUD indicated the material was under review and expressed their willingness to provide assistance to future Great River Road proposals.

The comment from the State Conservation Commission stressed the need for close coordination. We are in full agreement with that comment and believe early, close and continuing coordination with appropriate Federal, State and local agencies and with the public interest groups is essential.

The DOI indicated it did not agree with our non-applicability of section 4(f) finding and recommended we move those categories of projects to the programmatic section 4(f) portion of the document. DOI indicated, "we would agree, however, that these situations could be appropriately handled under a programmatic section 4(f) determination thus we recommend that they be deleted from the "non-applicability" section of the document and placed under the section 4(f) determination part." DOI also suggested "site specific" section 4(f) determinations be prepared in certain situations. We have addressed the recommendations on an individual basis and have concluded that site specific determinations are not required. The applicability of this document is carefully limited to situations which do not involve significant impacts. Any finding of such impacts will trigger the full 4(f) process. Compliance with other statutes, such as the Endangered Species Act, is not affected by this programmatic 4(f) determination. DOI also stressed the need for early coordination to avoid conflicts.

While indicating that overall, FHWA's project implementation approach is a good one, the National Wildlife Federation expressed concerns regarding the FHWA determination of non-applicability of section 4(f) to certain items. We have again evaluated this issue view of NWF and DOI views. This reanalysis has confirmed the appropriateness of our original decision and we believe the present approach to this question is proper.

NWF also raised a question regarding a programmatic study for the entire project. In commenting on the same item the DOI indicated: "Although such a

task is not impossible, we would agree that, under the present circumstances, such a programmatic environmental statement is not required at this stage in the planning of the Great River Road." Because of the very limited types of projects that are the subject of this document we believe the present procedures appropriate. For Great River Road projects a larger scope it is necessary to address environmental issues on a much larger basis in accordance with the requirements of both the NEPA and our present procedures.

In response to comments received from the Illinois Department of Transportation regarding the dangers of a prior finding of no significant impact, we have deleted the negative declaration provisions from the proposal.

Given the foregoing comments, the FHWA makes the following final determinations:

I. Final Determination of Non-Applicability of Section 4(f) to Certain GRR Projects

Since one of the primary purposes of 23 U.S.C. 148 is improvement and expansion of recreational, historical, and natural sites and areas, there will be occasions where lands must be used which are afforded special consideration by section 4(f) of the Department of Transportation Act. 49 U.S.C. 1653(f), 23 U.S.C. 138. The objective of 4(f) is to protect historical, recreational or natural lands by restricting their use for nonrecreational or non-cultural purposes. To apply the provisions of 4(f) properties because they are specifically designed to expand or improve these natural, recreational, or cultural sites would frustrate the objective of both 23 U.S.C. 148 and 4(f)—namely to protect and augment the natural and cultural environment.

Accordingly, it is determined that the provision of section 4(f) are not applicable to the following items:

Interpretive Centers—This item is limited to informational facilities considered necessary and desirable to provide information and services relative to the *specific* park, recreation area, historic site, or wildlife and waterfowl refuge in which the facility is to be constructed. The center may also provide information of displays for the "Great River Road" system where such is not inconsistent with the functioning of the Interpretive Center. Written approval for all work in this category is required from the Federal, State, or local officials having jurisdiction over the land involved.

Historical Markers and Roadside Signs—This item includes those markers appropriate to mark locations or provide information concerning historical locations or events or to interpret scenic views.

Renovation of Historic Sites—This item includes the acquisition and/or renovation of historic sites to preserve and enhance the cultural and historic value of the property or site. Written approval of the State Historic Preservation Officer for all work in this category is required before right-of-way acquisition and construction activities are authorized. This work may include parking areas, restroom facilities, and other incidental items such as sidewalks, lighting, and other appropriate facilities designed to enhance both the historic aspect of the area and also the accessibility of the area to the general public.

Development of Existing Park and Recreation Areas, Wildlife and Archeological Sites—The planned expansion of these facilities by the official having jurisdiction over these lands is designed to enhance the use and value of these areas. Types of projects which are included under this item include construction of new or expansion of existing facilities such as landscaping, picnic areas, trails, restrooms, parking facilities, lighting, boat ramps, signing, fencing, and historic markers. All work in this category must have the written approval of the official having jurisdiction over the involved lands.

Acquisition of Scenic Easement of Areas—This item includes the negotiated acquisition of fee or easement interests in privately owned archeological or historic sites to ensure their preservation for scenic purposes.

II. Final Programmatic 4(f) for Certain GRR Projects

The "Great River Road," as presently located and planned, generally parallels the Mississippi River through the 10 States which border the river. Section 148 of Title 23, U.S.C. requires that the road be located so as to give primary emphasis to the provision and preservation of natural and cultural experiences. In order to best achieve this purpose, there will be instances where no feasible and prudent alternative to the use of § 4(f) property exists. For those categories of projects listed below where the use of § 4(f) property will best serve the objectives of the Great River Road program, a one-time, programmatic § 4(f) determination is appropriate.

A. Application

The programmatic § 4(f) determination applies to the following items:

Scenic Overlooks—The planning and construction of the "Great River Road" may include scenic overlooks within or a adjacent to a park, recreation area, wildlife refuge, or historic site. The planning and construction of the overlooks will usually include associated facilities such as parking areas, sanitary facilities, lighting, signing, fencing, and walks for the safety and comfort of visitors.

Information Centers—Information centers with parking areas, sanitary facilities, signs, lighting, and other appropriate facilities will be necessary to provide the "Great River Road" visitors with information about the "Great River Road," and to provide services to make the visits safe and enjoyable.

Access Road—The construction or reconstruction of access roads to connect those scenic, recreational, or historic areas served by the "Great River Road" will normally require use of land from such areas. The term "access road" is limited to those roadways providing access to specific scenic, wildlife, recreational, or historic area(s). Any roadway which is designated for the specific purpose of carrying through traffic or which, in fact, does carry through traffic in addition to traffic to the previously designated areas is not considered an access road. Access roads should be designated in such a way as to prevent, to the extent possible, nonrecreational use.

The application of this section 4(f) document to any specific project is to be determined by the FHWA Division Administrator and the project files must include both this document and the Division Administrator's basis for the application of these procedures to the proposed project.

This section 4(f) determination is applicable only when the official having jurisdiction over the section 4(f) property gives approval, in writing, to the use of the land, and indicates that such use is consistent with the designated use of the property and is satisfied that the project includes all possible planning to minimize harm to the section 4(f) property.

B. Alternatives

As noted above, there will be instances where the objectives of section 148 can best be achieved only by using section 4(f) property. For example, the purpose of scenic overlooks is to

provide visitors to the section 4(f) area the opportunity to enjoy scenic and natural interests; therefore, a primary criterion for site selection is the unobstructed view of the area. In many instances, this will dictate the selection of a site within the section 4(f) area because sites outside would not include an unobstructed view of the scenic or natural qualities. Similarly, the information center is a visitor assistance element of the "Great River Road" and as such is an essential part of the scenic and recreational experience of the "Great River Road." Therefore, selection of a site within a § 4(f)-type area to enhance the scenic and recreational atmosphere of the information center logically follows. In these situations, it is consistent with the intent of section 4(f) to consider alternatives which use section 4(f) property.

C. Measures to Minimize Harm

The type of construction or reconstruction envisioned under this section 4(f) determination is oriented to serving the recreational user of the "Great River Road." The planning and consultation with authorities having jurisdiction over the land will assure consistency with the use of the section 4(f) lands and minimization of adverse effects. Construction authorization by FHWA for a given project will confirm an independent evaluation by FHWA that all possible planning to minimize harm has been accomplished.

D. Coordination

This section 4(f) document has been coordinated with the Department of the Interior, Department of Housing and Urban Development, and Department of Agriculture and the general public through publication of the interim determination in the *Federal Register*, 42 FR 57583.

Individual projects will be coordinated at the earliest feasible time with all responsible Federal, State and local officials.

E. Conclusion

Based on the above and on the scope of the projects permitted under this document, it is determined that (1) there is no feasible and prudent alternative to the use of section 4(f) properties, and (2) the conditions for approval of such projects will ensure the inclusion of all possible planning to minimize harm resulting from such use.

III. Determination To Withdraw Negative Declaration for Certain GRR Projects

It is hereby determined that it is not feasible to make a finding of no significant impact for large categories of GRR projects. Accordingly, environmental impacts of projects on the Great River Road will be examined on a project specific basis, in accordance with applicable FHWA procedures. The proposed Negative Declaration set forth at 42 FR 57583 is withdrawn.

Issued on: August 7, 1979.

John S. Hassell, Jr.,
Deputy Administrator.

[FR Doc. 79-25017 Filed 8-15-79; 8:45 am]
BILLING CODE 4910-22-M

[FHWA Docket No. 79-19, Notice 2]

National Advisory Committee on Uniform Traffic Control Devices; Extension of Comment Period

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of comment period.

SUMMARY: This document extends the period for comments on the notice published on May 22, 1979 (44 FR 29787), requesting comments by August 1, 1979, on the Federal Highway Administration's decision to terminate its sponsorship of the National Advisory Committee on Uniform Traffic Control Devices. A public meeting was held on this subject on June 20, 1979. The comment period is being extended until September 1, 1979, in order to provide interested parties additional time to respond to the matters raised in the original notice and at the June 20 public meeting.

DATE: Comments will be received until September 1, 1979.

ADDRESS: FHWA Docket No. 79-19, Federal Highway Administration, HCC-10, Room 4205, 400 Seventh Street SW., Washington, D.C. 20590. All responses to this notice will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., eastern time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Conner, Chief, Traffic Control Systems Division, 202-426-0411, or Mr. Paul L. Brennan, Special Assistant to the Chief Counsel, 202-755-6545, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., eastern time, Monday through Friday.

(Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App. I); 23 U.S.C. 109(b), 109(d), 402(a), 315; 49 CFR 1.48(b).)

Issued on August 7, 1979.

John S. Hassell, Jr.,
Deputy Administrator.

[FR Doc. 79-25018 Filed 8-15-79; 8:45 am]
BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP78-1; Notice 2]

The Goodyear Tire & Rubber Co.; Further Notice on Petition for Determination of Inconsequential Noncompliance

This notice announces further action on the petition by The Goodyear Tire & Rubber Co. of Akron, Ohio, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on April 17, 1978, (43 FR 16234) and an opportunity afforded for comment.

Paragraphs S4.3 (d) and (e) of Standard No. 109 require that the sidewalls of each passenger car tire be labeled with the generic name of each cord material used in the plies and the actual number of plies used. Goodyear manufactured approximately 2,600 tires with the label "Tread 5 plies—2 polyester cord + 2 steel cord + 1 nylon cord". However, the nylon cord overlay was omitted due to error of the tire builder. Thus the correct labeling should have been "Tread 4 plies—2 polyester + 2 steel cord". Goodyear conducted laboratory and road tests of the tire with and without the nylon overlay and submitted results to NHTSA as part of the petition. Goodyear believes that the 2,600 tires involved otherwise fully comply with Standard No. 109 and do not contain a safety-related defect.

No comments were received on the petition.

The use of an additional nylon belt under the tread of a radial ply constructed tire provides an additional design feature for vehicle operation at higher than normal speeds. In this instance, according to Goodyear's petition, the tires were built "for application on General Motors' Corvettes and are built to a special high speed specification [and] must run 125

miles at 114 miles per hour". Goodyear's tests compared the tires built without the nylon cord overlay to those built with the overlay and found that the tires without overlay fully complied with Standard No. 109. A number of each type were also tested for high speed application. In the worst case situation for each, a tire without overlay failed at 120 mph after a run of 40 miles while a tire with the overlay failed at 125 mph after a run of 30 miles. Tests were then conducted on additional tires to GM's specification of 125 miles at 114 mph and all eight tires tested passed. Thus, there appears to be no safety related defect inherent in the tire by virtue of it being labeled with a misleading tire description indicating fitness for a high speed application. In addition, the lack of the nylon belt apparently has no effect on the tire's longevity or ride quality, and apparently has never been promoted in connection with steel belted radial tires.

General Motors, which ordered the Goodyear tires in question as original equipment for the Corvette, no longer specifies that the tires be manufactured with the nylon cord.

This case does not involve the issue of statutory notification in the manner set forth by Section 153 of the Act; all the 2600 tires remain in the manufacturer's warehouse. To grant Goodyear's petition, or to deny it, would affect its obligation only to remedy since there are no dealers, distributors, or purchasers to notify.

While there is a basis upon which NHTSA could determine that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, there is another issue present that is directly related to the public interest. The ultimate purchaser of a tire (or of one of the vehicles equipped with the tires) assumes that the information provided on the sidewall is correct, as well as that the tire will meet the performance requirements of the standard. Although this particular mislabelling may bear an inconsequential relationship to safety, nonetheless the purchaser will be misinformed about the composition of the tire—information required to be provided him by one of the issuing authorities of Standard No. 109, Section 112(d) of the Act. The excuse from the remedy requirement would nonetheless leave the question of compliance with Section 112(d) and Section 108(a)(1)(B) of the Act. The Administrator believes that the information issue is the paramount one in this case. Provision of correct consumer information appears relatively simple to accomplish—either

by affixing a label to each of the 2600 tires in storage pointing out the error, or by buffing off the incorrect description, thereby achieving compliance with Standard No. 109. The Administrator believes that the choice should be Goodyear's. If Goodyear is willing to affix a label of the nature described to each of the tires then the Administrator will issue an order finding the noncompliance inconsequential. If Goodyear chooses to remove the misdescription, then the petition becomes moot. The agency, therefore, will issue a final notice of disposition when Goodyear has informed it of its decision.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 40 CFR 501.8.)

Issued on August 8, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-25102 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-59-M

1971-74 and 1976-78 Capris Imported by Ford Motor Co.; Public Proceeding Scheduled

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93-492, 88 Stat. 1470; October 27, 1974), 15 U.S.C. 1412, the Associate Administrator for Enforcement, National Highway Traffic Safety Administration, has made an initial determination that safety related defects exist in the front seat backs on 1971-74 Capri automobiles; the headlight switches on 1971-72 Capris; and the floor-mounted manual gearshift lever on 1971-74 and 1975-78 Capris. Ford Motor Company is the manufacturer of the vehicles which are the subjects of this initial determination.

A public proceeding will be held at 10:00 a.m. on September 18, 1979, in Room 2230 of the Department of Transportation Building, 400 Seventh Street, S.W., Washington, D.C. 20590, at which time the Ford Motor Company will be afforded an opportunity to present data, views and arguments to establish that the alleged defects in the 1971-74 and 1975-78 Capris do not exist or are not safety-related.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify the Office of Defects Investigation, National Highway Traffic Safety Administration, Room 5326, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone

202-426-2850) before close of business on September 10, 1979.

The agency's investigative file in this matter is available for public inspection during working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Library, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on August 9, 1979.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 79-25149 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-59-M

Urban Mass Transportation Administration

Intent to Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act (83 Stat. 852) and the Council on Environmental Quality's implementing regulations, (40 CFR Parts 1500-1508) the Urban Mass Transportation Administration gives notice that an environmental impact statement is being prepared for proposed changes to the approved referendum system of the Metropolitan Atlanta Rapid Transit Authority's (MARTA's) Heavy Rail System at the Lindbergh and Piedmont Stations. MARTA proposes to combine the Piedmont and Lindbergh Stations on the Northeast Line of their rapid rail system. The alternatives to be studied are:

1. To keep the approved referendum alignment with stations at both Piedmont Road and Lindbergh Drive as described in the systemwide EIS of 1973.
2. To combine the Lindbergh and Piedmont Stations either by
 - a. Realigning the right-of-way to go over Piedmont Road; or
 - b. Realigning the right-of-way to go under Piedmont Road.
3. To combine the Lindbergh and Piedmont Stations and realign the right-of-way to stay east of the Southern Railway line and avoid impacting neighborhoods west of the Southern right-of-way.

The Urban Mass Transportation Administration invites participation of agencies and individuals to comment on the scope of this environmental impact statement. An initial scoping meeting will be held in Atlanta on Friday, September 7, 1979.

Comments and questions regarding the proposed action and the environmental impact statement should be referred to: Lilla F. Hofer,

Environmental Protection Specialist,
Planning and Analysis Division, Urban
Mass Transportation Administration,
Washington, D.C. 20590, telephone: 202-
472-7100.

August 10, 1979.

John K. Taylor,

Associate Administrator for Transit
Assistance.

[FR Doc. 79-25150 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 79-225]

Customs Delegation Order No. 1 (Revision 1) Amended

By virtue of the authority vested in me by Treasury Department Order No. 165 Revised (T.D. 53654, 19 FR 7241), as amended, the authority to make decisions and perform functions delegated to the Assistant Commissioner of Customs, Office of Regulations and Rulings, in the headquarters office of the United States Customs Service, by Paragraph A of Customs Delegation Order No. 1 (Revision 1) amended (T.D. 69-126, 34 FR 8208), is hereby delegated to the Director, Office of Regulations and Rulings.

Accordingly, Paragraph A of Customs Delegation Order No. 1 (Revision 1) amended is further amended to read as follows:

* * * * *

A. Director, Office of Regulations and Rulings. Decisions with respect to any claim (including claim for liquidated damages), fine, or penalty (including forfeiture) now delegated to the Commissioner of Customs by paragraph (h) of Treasury Department Order No. 165, Revised, as amended (supra), decisions with respect to appeals from denials of requests for information under 5 U.S.C. 552, decisions with respect to appeals from denials of requests for amendment of records under 5 U.S.C. 552a, decisions denying or approving requests for extension of the time for the submission of comments on proposed amendments to the Customs Regulations, decisions with respect to the application of decisions of the United States Customs Court and the United States Court of Customs and Patent Appeals adverse to the Government, and decisions and functions relating to all matters in which authority also is delegated by this Order to the Director, Classification and Value Division, the Director, Entry Procedures

and Penalties Division, and the Director, Carriers, Drawback and Bonds Division.

* * * * *

This delegation of authority is effective August 1, 1979.

Dated: August 10, 1979.

R. E. Chasen,

Commissioner of Customs.

[FR Doc. 79-25327 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-22-M

[T.D. 79-226]

Cancellation Without Prejudice of Customhouse Broker License 1748

Notice is hereby given that the Commissioner of Customs, on August 8, 1979 pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and section 111.51(b) Customs Regulations, as amended, upon the specific request of Israel (Ira) Furman, New York, New York, cancelled without prejudice individual customhouse broker's license No. 1748 issued to him on April 4, 1938, for Customs District No. 10 (New York). The Commissioner's decision is effective as of August 8, 1979.

Robert E. Chasen,

Commissioner of Customs.

[FR Doc. 79-25328 Filed 8-15-79; 8:45 am]

BILLING CODE 4910-22-M

Ferroalloys From Spain; Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Spain has given benefits that may constitute bounties or grants on the manufacture, production, or exportation of certain ferroalloys from Spain, within the meaning of the countervailing duty law. A final determination must be made by no later than December 12, 1979. Interested persons are invited to comment on this action.

EFFECTIVE DATE: August 16, 1979.

FOR FURTHER INFORMATION CONTACT: Leon McNeill, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On March 6, 1979, a "Notice of Receipt of Countervailing Duty Petition and

Initiation of Investigation" was published in the *Federal Register* (44 FR 12321). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Spain upon the manufacture, production, or exportation of certain ferroalloys constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as the "Act").

The ferroalloys specified in the petition and subject to this investigation are described in the following item numbers of the Tariff Schedules of the United States Annotated (TSUSA): Ferrochrome (over 3 percent carbon), TSUSA 607.3100; ferromanganese (1-4 percent carbon) TSUSA 607.3600; ferromanganese (over 4 percent carbon), TSUSA 607.3700, ferrosilicon manganese, TSUSA 607.5700; and ferrosilicon (60-80 percent silicon), TSUSA 607.5100. All of these products are dutiable.

On the basis of an investigation conducted under section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it has been determined preliminarily that certain programs administered by the Government of Spain do constitute the bestowal of bounties or grants within the meaning of the Act.

These programs are the following:

(1) *Overrebate, upon exportation, of Spanish indirect taxes, under the "Desgravacion Fiscal".*

Exports of ferroalloys are entitled to a 10 percent *ad valorem* rebate, known as the "Desgravacion Fiscal," upon exportation to account for the cascade effect of the Spanish indirect tax system. Treasury regards the rebate of indirect taxes on services and inputs not physically incorporated in the final product as countervailing. See 44 FR 3478 (Jan. 17, 1979). In this case, the overrebate consists of three elements:

(1) Indirect taxes on services and inputs which are not physically incorporated in the final product. Included in this category are taxes on electrode paste, which is a catalyst and is recovered after the product is manufactured; energy; and general expenses and amortization;

(2) A credit for a tax on transactions between manufacturers and wholesalers that in this case is not levied on export sales; and

(3) Various "parafiscal" taxes which fail to meet the physical incorporation or direct relationship tests. Each of the taxes in the above categories has been considered countervailing in prior investigations of imports from Spain.

The rebate of a tax on export freight and insurance is viewed as directly related to the export of the product, and, thus, is not countervailable on the basis of *Zenith Radio Corp. v. United States* 437 U.S. 443 (1978).

The total amount of taxes rebated on service and inputs which meet the direct relationship or physical incorporation tests is 8.3 percent *ad valorem*. The total amount of taxes which do not meet these tests and thus are countervailable is 1.7 percent *ad valorem*.

(2) *Regional development incentives.* The Spanish ferroalloy industry has benefited from certain tax incentives under a program designed to foster development in the Cinca Valley (Monzon). The period of eligibility for this program has expired. Further information is needed, however, in order to determine whether any residual benefits from this program are being received. Regional aids, once granted to provide capital equipment, for example, can continue to distort trade if they benefit exports even after the grants are no longer awarded. Therefore, this program is preliminarily regarded as a bounty or grant. More facts will be sought to determine whether regional incentives in this industry have continuing effects.

(3) *Tax-Free export investment reserve.* Under this program, exporters of ferroalloys have been allowed to transfer as much as 50 percent of the profits received from exports to a tax-free investment reserve for a period of two years, which may be used to invest in export-related assets in Spain or to support export offices and promotion activities abroad. This program potentially operates as an interest-free loan over the period of the deferral. The program was eliminated by legislation in December, 1978. Further information is needed on how this program operates, however, in order to determine whether any residual benefits from this program are being received. Therefore, this program is preliminarily regarded as a bounty or grant.

(4) *Operating capital loans.* Ferroalloy exporters have received operating capital loans at rates lower than those commercially available. Further information is needed in order to quantify the benefit received, which would be the difference in interest charges between government rates and those available commercially. This program is preliminarily regarded as a bounty or grant.

Other preferential financing programs alleged by the petitioner were not utilized by the Spanish ferroalloy industry.

Accordingly, it is determined preliminarily that bounties or grants, within the meaning of section 303 of the Act are being paid, or bestowed, directly or indirectly, upon the manufacture, production, or exportation of certain ferroalloys from Spain. A final determination will be made no later than December 12, 1979. Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination.

Submissions should be addressed to the Commissioner of Customs, 1301 Constitution, NW., Washington, D.C. 20229, in time to be received by this office not later than September 17, 1979. Any request for an opportunity to present views orally should accompany such submission and a copy of all submissions should be delivered to any counsel that has heretofore represented any party to these proceedings.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 101-5, May 16, 1979, the provisions of Treasury Department Order 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47) insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

Dated: August 10, 1979.

David R. Brennan,

Acting General Counsel of the Treasury.

[FR Doc. 79-25339 Filed 8-15-79; 8:45 am]

BILLING CODE 4810-22

Office of the Secretary

Reconsideration of Extension of United States-United Kingdom Income Tax Convention

The Treasury Department today announced that it is soliciting the views of interested persons on issues raised by the income tax convention in force between the United States and the United Kingdom, as extended to the following jurisdictions pursuant to the note of the United Kingdom of August 19, 1957:

Anguilla, Nevis, and St. Christopher
Antigua
Barbados
Belize
Falkland Islands
The Gambia
Grenada

Malawi
Montserrat
St. Vincent
Seychelles
Sierra Leone
Virgin Islands
Zambia

Comments should be addressed to H. David Rosenbloom, International Tax Counsel, Department of the Treasury, Washington, D.C. 20220. Comments should be submitted by September 14, 1979.

The Treasury Department is interested in soliciting information concerning the extent of investment in these jurisdictions by United States persons, and the extent to which such investment benefits from or depends upon the provisions of the Convention. The Treasury Department also seeks information concerning the extent of investment in the United States by residents or corporations of these 14 jurisdictions, and the extent to which any such investment benefits from or depends upon the provisions of the Convention.

The Treasury is also concerned with the possibility that the Convention with some of these jurisdictions may be exploited by third-country residents to secure treaty benefits to which those persons would not otherwise be entitled. The Treasury is especially interested in securing the views of interested persons concerning the issues raised by such uses of the Convention. The Treasury Department is soliciting the views of interested parties in connection with considering whether the Convention as extended to any of these jurisdictions should be modified or terminated.

Dated: August 9, 1979.

Donald C. Lubick,

Assistant Secretary for Tax Policy.

[FR Doc. 79-25336 Filed 8-15-79; 8:45 am]

BILLING CODE 4810-25-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 September 10, 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 Moler System of Colleges, 80-82 North Second Street, Memphis, 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: August 9, 1979.

R. S. Bielak,
Director, VA Regional Office, Nashville,
Tennessee.

[FR Doc. 79-25250 Filed 8-15-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[No. 37230]

Incentive Rate on Coal—Belle Ayr and Eagle Junction, Wyo. to Iatan, Mo.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Correction.

In the previous notice published in the *Federal Register* at 44 FR 45525, August 2, 1979, the origin and destination set forth under SUPPLEMENTARY INFORMATION (line 5, paragraph 1), were incorrectly stated as "Axial, CO, to Coletto Creek, TX". The correct origin and destination, as indicated in the title of the proceeding, should be: "Belle Ayr and Eagle Junction, WY to Iatan, MO."

Dated at Washington, D.C., this 10th day of August, 1979.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-25284 Filed 8-15-79; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions, Volume No. 130]

Decision-Notice

Decided: July 17, 1979.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's rules of practice (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with

Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after August 16, 1979.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the

public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before September 17, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

Agatha L. Mergenovich,
Secretary.

MC 60014 (Sub-96F), filed February 28, 1979, noticed in the *Federal Register* on June 28, 1979 as Sub-93F. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a

common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural, forestry and nursery equipment, and implements*, from the facilities of R. A. Whitfield Manufacturing Co., at or near Mableton, GA, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Washington, DC.

Note.—This republication indicates the application has been assigned Sub-96, and not Sub-93.

MC 111545 (Sub-270F), filed December 29, 1979, previously noticed in the *Federal Register* of February 8, 1979. Applicant: HOME TRANSPORTATION CO., INC., 1425 Franklin Road, SE., Marietta, GA 30067. Representative: Robert E. Born, P.O. Box 6426 Station A, Marietta, GA 30065. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), in initial movements, and (2) *buildings*, complete or in sections, mounted on wheeled undercarriages, from points in TX, to points in AZ, CO, and NM. (Hearing site: Dallas or Houston, TX.)

Note.—This republication indicates the correct file date.

MC 145304(sub-1F), filed October 25, 1978, and previously noticed in the *Federal Register* issue of January 18, 1979. Applicant: LAMPTON-LOVE, INC., 134 South Lamar Street, Jackson, MS 39201. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *anhydrous ammonia*, in bulk, in tank vehicles, (1) from Yazoo City, MS, to points in AL, AR, LA, and TX, (2) from Pascagoula, MS, to points in AL, FL, GA, and LA, and (3) from the facilities of Mid South Terminals, Inc., at Memphis, TN, to points in AL, AR, MS, and MO. Conditions: The person or persons who it appears may be engaged in common control must either file an application under 49 U.S.C. 11343 (a) (formerly section 5(2)) of the Interstate Commerce Act or submit an affidavit indicating why such approval is unnecessary. Said carrier shall conduct separately its common carrier operation and its other business activities. Carrier shall maintain separate accounting systems for each such business. Carrier shall not transport property as both a private and for-hire carrier at the same time and in the same vehicle. This republication

corrects the origin in (3) above. (Hearing site: Jackson, MS.)

FR Doc. 79-25285 Filed 8-15-79-8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 130]

Decision-Notice

Decided: July 17, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene

shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms,

conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before September 17, 1979, (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.
Agatha L. Mergenovich,
Secretary.

MC 10875 (Sub-50F), filed April 2, 1979. Applicant: BRANCH MOTOR EXPRESS COMPANY, a corporation, 114 Fifth Ave., New York, NY 10011. Representative: G. G. Heller (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes, A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of (1) Troy Mills, at Troy, NH, (2) USM Corporation-Bailey Division, at Seabrook, NH, (3) Erving Paper Mills, at Brattleboro, VT, and (4) Peter Paul Cadbury, Inc., at Frankfort, IN, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: New York, NY, or Boston, MA.)

MC 14314 (Sub-28F), filed March 29, 1979. Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Broadway and Vine Streets, Lima, OH 45802. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving the facilities of Paoli Chair Company at or near

Orleans, IN, as an off-route point in connection with carrier's otherwise-authorized regular-route operations.

MC 30844 (Sub-639F), filed March 27, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except frozen), from the facilities of Hanover Foods Inc., at Hanover, PA, to Atlanta, GA, Columbus, OH, and Denver, CO, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 52704 (Sub-214F), filed April 2, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H," LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *feed, and corn products* (except in bulk), from Birmingham and Decatur, AL, and Springfield, TN, to points in AR, FL, GA, KY, IL, IN, LA, MD, MI, MS, MO, NC, OH, OK, SC, TN, TX, VA, WV, AL, and DC; and (2) *materials, equipment and supplies*, used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

MC 52704 (Sub-217F), filed April 2, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H," LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meal, flour, prepared baking mixes, and birdseed*, from Shawnee, OK, to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN, and (2) *material, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

MC 60014 (Sub-108F), filed March 29, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign

commerce, over irregular routes, transporting *steel building components*, from the facilities of Engineered Components, Inc., at Stafford, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 60014 (Sub-112F), filed April 2, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic pipe and clay pipe*, (2) *accessories* for the commodities in (1) above, and (3) *waste and pollution equipment, filters, and fabricated steel articles*, from the facilities of Can-Tex Industries, division of Harsco Corporation, at or near (a) Mineral Wells, TX, (b) Columbia, MS, and (c) Sparta, TN, to those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Washington, DC.)

MC 67234 (Sub-20F), filed April 3, 1979. Applicant: UNITED VAN LINES, INC., No. 1 United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec Ave., Suite 1400, St. Louis, MO 63101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture, and commercial and institutional fixtures*, between points in CA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Los Angeles or San Francisco, CA.)

MC 77424 (Sub-51F), filed March 30, 1979. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th St., Cleveland, OH 44104. Representative: James Johnson, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, (except in bulk), from Louisiana, MO, to Painesville, OH. (Hearing site: Columbus, OH, or Philadelphia, PA.)

MC 77424 (Sub-52F), filed April 2, 1979. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th St., Cleveland, OH 44104. Representative: James Johnson, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic, and plastic materials*, and (2) *chemicals* (except those described in (1) above, from Delaware City and New Castle, DE, to points in IL, IN, NY, OH, PA, and the Lower Peninsula of MI, restricted against the transportation of traffic in

bulk, in tank vehicles. (Hearing site: Cleveland, OH, or Washington, D.C.)

MC 95084 (Sub-134F), filed March 29, 1979. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic pipe*, from the facilities of Johns-Manville Sales Corporation, at or near Wilton, IA, to points in IL, IN, KY, KS, MI, MN, MO, NE, ND, OH, SD, and WI; and (2) *materials and supplies* used in the manufacture and distribution of plastic pipe, in the reverse direction. (Hearing site: Chicago, IL.)

MC 105045 (Sub-98F), filed March 29, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Dick Moss Steel, Inc., at Tampa, FL, to points in AL, GA, MS, NC, and SC. (Hearing site: Tampa, FL.)

MC 105045 (Sub-100F), filed March 29, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., 15th and New York Ave., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, from points in OH, WV, AL, and KY, to points in MA, RI, CT, NY, NJ, MD, DE, PA, VA, NC, SC, GA, and FL. (Hearing site: Washington, DC.)

MC 106644 (Sub-277F), filed March 29, 1979. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker III, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *self-propelled articles*, and (2) *attachments and parts* used for self-propelled articles, and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between those points in the

United States in and east of MN, IA, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Hertz Equipment Rental. (Hearing site: Jacksonville, FL, or Washington, DC.)

MC 106674 (Sub-389F), filed March 30, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction materials*, and *materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of the Celotex Corporation, at or near Russellville, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107515 (Sub-1220F), filed April 2, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except foodstuffs and commodities in bulk), and (2) *foodstuffs in mixed loads with the commodities in (1) above, in vehicles equipped with mechanical refrigeration, from Milan, IL, to Goodlettsville, TN, and points in FL, GA, NC, and SC.* (Hearing site: Madison, WI.)

Note.—Dual operations may be involved.

MC 107615 (Sub-15F), filed March 20, 1979. Applicant: UNTRCO, INC., 850 E. Luzerne St., Philadelphia, PA 19124. Representative: Richard A. Mehley, 1000 16th St. NW., Washington, D.C. 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, points in PA, MD, DE, VA, WV, NJ, DC, and those in Suffolk County, NY, restricted to the transportation of traffic having a prior or subsequent movement

by water or air, under continuing contract(s) with Carribean Worldwide, Inc. of Philadelphia, PA. (Hearing site: Philadelphia, PA or Washington, DC.)

Note.—Dual operations may be involved.

MC 109124 (Sub-67F), filed April 2, 1979. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between the facilities of Crucible, Inc., a division of Colt Industries, at Midland, PA, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY and WV. (Hearing site: Columbus, OH.)

MC 109124 (Sub-68F), filed April 2, 1979. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between the facilities of Crucible, Inc., a division of Colt Industries, at Midland, PA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MO, MS, NC, SC, TN, TX, and VA. (Hearing site: Columbus, OH.)

MC 110525 (Sub-1293F), filed March 26, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *boron trifluoride gas*, in manifold tube trailers, from the facilities of Allied Chemical Corp., at Marcus Hook, PA, to points in the United States (except PA and HI). (Hearing site: Philadelphia, PA.)

MC 110525 (Sub-1294F), filed March 29, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry chemicals*, in bulk, in tank vehicles, from New York, NY, to those points in the United States in and east of TX, AR, MO, IA, and MN (except from (1) New York City, NY, to points in CT, MA, and RI, and (2) points in the New York, NY, commercial zone, in NJ,

to points in DE, MD, CT, MA, RI, ME, VT, NH, and DC). (Hearing site: New York, NY.)

MC 110525 (Sub-1295F), filed April 2, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum wax*, in bulk, in tank vehicles, from Barnsdall, OK, to points in MD, NJ, NY, OH, and PA. (Hearing site: Tulsa, OK.)

MC 111594 (Sub-84F), filed March 30, 1979. Applicant: C. W. TRANSPORT, INC., 610 High St., Wisconsin Rapids, WI 54494. Representative: Edward G. Bazelon, 39 South LaSalle St. Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Shenandoah Industrial Park, at or near Newman, GA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL.)

MC 113855 (Sub-481F), filed April 2, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities* which because of size or weight require special equipment, (2) *machinery, construction equipment, self-propelled vehicles, metal, and metal articles* (except those described in (1) above), and (3) *parts, attachments, and accessories* for the commodities in (1) and (2) above, between Baltimore, MD, and Norfolk, VA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Washington, DC.)

MC 113855 (Sub-482F), filed April 2, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *self-propelled vehicles*, each weighing less than 15,000 lbs. (except motor vehicles as defined in 99

U.S.C. § 10102(14) and vehicles moving in driveaway service) and (2) *machinery, tools, parts, and supplies* between points in Multnomah County, OR, on the one hand, and, on the other, points in the United States (excluding AK and HI). (Hearing site: Chicago, IL.)

MC 114274 (Sub-60F), filed April 4, 1979. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Place, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at (a) Carroll, Denison, Iowa Falls, Sioux City, Des Moines, and Ft. Dodge, IA and (b) Crete, Lincoln, and Omaha, NE, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, and TN. (Hearing site: Chicago, IL.)

MC 114334 (Sub-51F), filed April 2, 1979. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Tulane, Memphis, TN 38103. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of LaBarge, Inc., at (a) Wagoner, OK, (b) New Orleans, LA, (c) Memphis, TN, (d) St. Louis, MO, (e) Bellevue, OH, and (f) Houston, TX, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Memphis, TN.)

MC 115654 (Sub-135F), filed April 3, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St., NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Vlastic Foods, Inc., at or near (a) Imlay City, Bridgeport, and Memphis, MI, to Greenville, MS, and (b) Greenville, MS, to points in AL, AR, GA, IL, IN, KY, MO, OH, and TN, restricted to the transportation of traffic originating at the named facilities.

(Hearing site: Nashville, TN or West Bloomfield, MI.)

MC 116254 (Sub-264F), filed April 2, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and aluminum products*, from Fairmont, WV, to those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Washington, DC, or Cleveland, OH.)

MC 116645 (Sub-28F), filed April 2, 1979. Applicant: DAVIS TRANSPORT CO., a corporation, P.O. Box 56, Gilcrest, CO 80623. Representative: Leslie R. Kehl, 1660 Lincoln St., Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *liquid feed, liquid feed supplements, and liquid feed ingredients*, in bulk, (a) from Denver and Ft. Morgan, CO, to points in KS, NE, and WY, and those on and north of Interstate 40 in NM, OK, and TX, and (b) from Minatare, NE, to points in KS and WY, and those on and north of Interstate 40 in NM, OK, and TX, (2) *molasses*, in bulk, (a) from Gering, Scottsbluff, Mitchell, and Bayard, NE, Goodland, KS, and Torrington, WY, to Denver and Ft. Morgan, CO, (b) from Goodland, KS, and Torrington, WY, to Minatare, NE, and (c) from Gering and Scottsbluff, NE, and Torrington, WY, to Sterling, CO. (Hearing site: Denver, CO.)

MC 116915 (Sub-79F), filed April 2, 1979. Applicant: ECK MILLER TRANSPORTATION CORP., a corporation, 1830 S. Plate St., Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Bethlehem Steel Corporation, at Burns Harbor, IN, to points in AL, GA, and MS. (Hearing site: Chicago, IL, or Washington, DC.)

MC 117165 (Sub-55F), filed April 2, 1979. Applicant: ST. LOUIS FREIGHT LINES, INC., P.O. Box 2140, Michigan City, IN 46360. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt*, in bags, from Akron and Cincinnati, OH, and Chicago, IL, to points in IL, IN, KY, MI, MN, OH, PA, and WI. (Hearing site: Chicago, IL.)

MC 117644 (Sub-52F), filed April 2, 1979. Applicant: D & T TRUCKING COMPANY, INC., 498 First St., NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), between the facilities of Lauridsen Foods, Inc., at or near Britt, IA, on the one hand, and, on the other, points in AL, GA, FL, NC, SC, TN, KY, VA, WV, and MS, restricted to the transportation of traffic originating at or destined to the named points, under continuing contract(s) with Armour and Company, of Phoenix, AZ. (Hearing site: Minneapolis or St. Paul, MN.)

MC 117815 (Sub-309F), filed April 2, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by business and office supply companies, from the facilities of United Stationers, at Forest Park, IL, to Minneapolis, MN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destination. (Hearing site: Chicago, IL.)

MC 117975 (Sub-10F), filed April 2, 1979. Applicant: MOTOR EXPRESS, INC., P.O. Box 604, Edinburg, TX 78539. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *beverages*, between Houston, TX, on the one hand, and, on the other, points in LA; and (2) *pallets*, from points in LA, to Houston, TX. (Hearing site: Houston, TX, or New Orleans, LA.)

MC 119555 (Sub-24F), filed April 2, 1979. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., P.O. Box 3500, Calgary, Alberta T2P 2P9, Canada. Representative: Ray F. Koby, 314 Montana Bldg., Great Falls, MT 59401. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting

muritic acid, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada at or near International Falls, MN, to Cohasset, MN. (Hearing site: Great Falls, MT.)

MC 120924 (Sub-7F), filed April 2, 1979. Applicant: B & W CARTAGE CO., INC., 2932 West 79th St., Chicago, IL 60652. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automobile parts*, between Chicago, IL, and Detroit, MI. (Hearing site: Chicago, IL.)

MC 123294 (Sub-64F), filed March 29, 1979. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coke*, from Monroe, MI, to the facilities of Dalton Foundries, Inc., at Warsaw, IN. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 123375 (Sub-11F), filed March 29, 1979. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Westmoreland County, Murrysville, PA 15668. Representative: A. Charles Tell, 100 East Broad St., Suite 1800, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *(a) gypsum and (b) building materials* (except gypsum), and (2) *materials, equipment, and supplies* used in the manufacture, installation and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Georgia-Pacific Corporation at of near Akron and Buchanan, NY, Milford, VA, Quakertown, PA, and Wilmington, DE, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, OH, PA, RI, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 123375 (Sub-14F), filed April 2, 1979. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Westmoreland County, Murrysville, PA 15668. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between the facilities of Weirton (a) Steel Division of National Steel Corporation, at or near Weirton, WV, and (b) Steubenville, OH, on the one

hand, and, on the other, points in CT, MA, RI, and those Nassau and Suffolk Counties, NY. (Hearing site: Washington, DC.)

MC 125254 (Sub-63F), filed March 29, 1979. Applicant: MORGAN TRUCKING CO., a corporation, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid foundry compounds*, in containers, from Muscatine, IA, to Chicago, IL. (Hearing site: Des Moines, IA.)

MC 126115 (Sub-4F), filed April 2, 1979. Applicant: MEADOWS VAN & STORAGE, INC., P.O. Box 1023, Frederick, MD 21701. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *telephone equipment*, and (2) *materials and supplies* used for the telephone equipment, between points in Arlington County, VA, on the one hand, and, on the other, points in Worcester County, MD, under continuing contract(s) with Western Electric Co., of New York, NY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 126255 (Sub-7F), filed March 27, 1979. Applicant: BUTLER-JONES AIR FREIGHT, INC., Salisbury-Wicomico Airport, P.O. Box 1964, Salisbury, MD 21801. Representative: Peter A. Green, 900 17th St., N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore-Washington International Airport, in Anne Arundel County, MD, National Airport, at Gravelly Point, VA, Dulles International Airport, in Fairfax-Loudoun Counties, VA, and Salisbury-Wicomico Airport, at Salisbury, MD, on the one hand, and, on the other, points in Kent and Queen Annes Counties, MD, restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (Hearing site: Washington, DC, or Salisbury, MD.)

MC 126514 (Sub-49F), filed March 30, 1979. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39

South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of paper and film products, and (2) *reproduction and duplicating products and supplies* (except those described in (1) above), from South Hadley and Holyoke, MA, to Chicago, IL, Oklahoma City and Tulsa, OK, and points in CA. (Hearing site: Boston, MA.)

MC 126844 (Sub-73F), filed March 30, 1979. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Rd., Vineland, NJ 08360. Representative: Kenneth F. Dudley, P.O. Box 279, 611 Church St., Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (a) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except foodstuffs, hides, and commodities in bulk), and (b) *foodstuffs* (except commodities in bulk), from facilities of Geo. A. Hormel & Co., at or near (a) Beloit, WI, to points in CT, DE, MD, MA, NJ, NY, PA, RI, and DC, and (b) Huron and Sioux Falls, SD, to points in OH, PA, NY, and NJ. (Hearing site: Chicago, IL.)

MC 127804 (Sub-11F), filed April 4, 1979. Applicant: WILLIAM R. WEINRICH, d.b.a. WEINRICH TRUCK LINES, P.O. Box 1037, Hinton, IA 51024. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bentonite clay*, from the facilities of American Colloid Co., in (a) Butte County, SD, (b) Crook, Weston, and Big Horn Counties, WY, and (c) Phillips County, MT, to points in IL, IN, IA, KS, MI, MN, MO, NE, and WI. (Hearing site: Chicago, IL.)

MC 128095 (Sub-28F), filed April 2, 1979. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foam padding*, from the facilities of E. I. du Pont de Nemours & Co. Inc., at Wurtland, KY, to points in AL, FL, LA,

KS, and Mo. (Hearing site: Washington, DC, or Jackson, MS.)

MC 129664 (Sub-6F), filed March 27, 1979. Applicant: COMET MESSENGER & DELIVERY SERVICE, INC., 2 River Rd., Chatham, NJ 07928. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wallpaper*, (a) between New York, NY, and points in Suffolk County, NY, on the one hand, and, on the other, Philadelphia, PA, and points in NJ, and (b) between Wharton, NJ, and Philadelphia, PA. (Hearing site: New York, NY.)

MC 133095 (Sub-252F), filed March 29, 1979. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, and wood pulp*, from the facilities of International Paper Company, at or near (a) Mobile, AL, (b) Moss Point, MS, (c) Bastrop and Springhill, LA, and (d) South Texarkana, TX, to points in AZ, CO, CA, ID, NM, OR, UT, and WA. (Hearing site: Mobile or Birmingham, AL.)

MC 134235 (Sub-15F), filed March 30, 1979. Applicant: KUHNLE BROTHERS, INC., P.O. Box 128, Chagrin Falls, OH 44022. Representative: Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, NY 14701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *solar salt*, in packages, from Jersey City, NJ, to points in NJ, PA, NH, CT, MA, RI, VT, NY, MD, VA, and DC. (Hearing site: Buffalo, NY.)

Note.—Dual operations may be involved.

MC 134755 (Sub-181F), filed March 30, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen foods*, and (2) *commodities* which are otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6) [formerly Section 203(b)(6) of the Interstate Commerce Act], in mixed loads with frozen foods, from the facilities of Empire Freezers of Syracuse, Inc., at or near Syracuse, NY, to points in OH and MI, and those points

in PA on and west of U.S. Hwy 15. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 134755 (Sub-182F), filed April 2, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clay products*, from Summerville and Lewis Run, PA, and Canton and Minerva, OH, to points in MO, KS, OK, and AR. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 134775 (Sub-9F), filed April 1, 1979. Applicant: GUNTER BROS., INC., 19060 Frager Rd., Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by wholesale grocery houses, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, under continuing contract(s) with Beaumont-Hunter, Inc., of Bellevue, WA, and Gil's Enterprises, Inc., Acme Volume Sales of Seattle, WA, Attilio Merlino & Assoc., and Gil's Supply Co., Inc., all of Seattle, WA. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 136605 (Sub-103F), filed April 2, 1979. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *refuse containers*, from the facilities of Teem Enterprise, at or near Sioux Falls, SD, to those points in the United States in and west of WI, IL, MO, AR, and LA (except AK and HI); and (2) *materials* used in the manufacture of refuse containers, in the reverse direction. (Hearing site: Sioux Falls, SD.)

MC 138144 (Sub-49F), filed April 2, 1979. Applicant: FRED OLSON CO., INC., 6022 West State St., Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *insulation board*, and *materials equipment, and supplies* used in the installation of insulation board, from the facilities of Johns-Manville Sales Corporation, at or near (a) Alexandria, IN, to points in IL and WI, and (b) Rockdale, IL, to points in MI,

OH, and Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Door, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Jackson, Lacrosse, Langlade, Lincoln, Marathon, Marinette, Menominee, Monroe, Oconto, Oneida, Pepin, Pierce, Polk, Portage, Price, Rusk, St. Croix, Sawyer, Shawano, Taylor, Trempealeau, Vernon, Vilas, Washburn, and Wood Counties, WI; (2) (a) *building materials* (except cement pipe) and (b) *cement pipe*, from the facilities of Johns-Manville Sales Corporation, at or near Waukegan, IL, to points in IN, MO, OH, and those WI Counties named in (1)(b) above; and (3) *plastic pipe and materials, equipment, and supplies* used in the installation of plastic pipe, from the facilities of Johns-Manville Sales Corporation, at or near Wilton, IA, to points in IL, IN, MI, MO, and WI. (Hearing site: Chicago, IL.)

MC 138635 (Sub-77F), filed March 29, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *household appliances* and (b) *electrical appliances* (except household appliances) and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, and those requiring special equipment), (a) from Asheboro, NC, to Mansfield, MA, Edison, NJ, Laurel, MD, Atlanta, GA, Columbus, OH, Chicago, IL, Dallas, TX, Seattle, WA, San Leandro and Garden Grove, CA, and Lenexa, KS, and (b) from Muskogee, OK, Los Angeles, CA, and San Pedro, CA, to Asheboro, NC. (Hearing site: Charlotte, NC.)

Note.—Dual operations may be involved.

MC 139495 (Sub-428F), filed March 20, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *school supplies, art supplies, and hobby supplies*, and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), from the facilities of Binney & Smith, Inc., at or near (a) Easton, PA, and (b) Winfield, KS, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 140654 (Sub-4F), filed April 4, 1979. Applicant: OLIVER & OLIVER, INC., P.O. Box 83, Campton, KY 30301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal*, from points in Bath, Bell, Boyd, Carter, Clay, Clinton, Cumberland, Elliott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, McCreary, Menifee, Owsley, Perry, Pulaski, Rockcastle, Rowan, Russell, Wayne, and Whitley Counties, KY, to points in IL, IN, OH, KY, WV, VA, and TN. (Hearing site: Frankfort or Louisville, KY.)

MC 140755 (Sub-62F), filed March 30, 1979. Applicant: BRAY TRANSPORTS, INC., 1410 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lubricating oils*, from Coffeyville, KS, to Rockford, Rock Island, and Chicago, IL, and Burlington, IA. (Hearing site: Oklahoma City, OK, or Kansas City, KS.)

MC 141384 (Sub-4F), filed April 2, 1979. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Ave. South, Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank or hopper type vehicles), between Seattle, WA, and points in CO, on the one hand, and, on the other, points in WA, OR, ID, and MT, under continuing contract(s) with Boxed Meats of America, Inc., of Seattle, WA. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC-141764 (Sub-13F), filed March 29, 1979. Applicant: BLACKHAWK ENTERPRISES, a corporation, 3149 Depot Rd., Hayward, CA 94545. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring

special equipment), from the facilities of Inter State Express, Inc., at or near Brooklyn, NY, to Reno, NV, and points in CA, restricted to the transportation of traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8) formerly section 402(a) (5) of the Interstate Commerce Act. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC-141804 (Sub-202F), filed March 29, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *sporting goods*, and (2) *materials, equipment, and supplies* used in the manufacture, sale and distribution of sporting goods in (1) above, between (a) points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (b) from Brownsville, El Paso, and Laredo, TX, to Chicago, IL, and Maywood, NJ, restricted to the transportation of traffic originating at or destined to the facilities of AMF Voit, Inc. (Hearing site: Los Angeles or San Francisco, CA.)

MC-141804 (Sub-206F), filed April 2, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *smoke detectors*, and (2) *such commodities* as are dealt in or used by manufacturers of electrical products, (except smoke detectors and commodities which by reason or size or weight require the use of special equipment), between (A) Seattle and Tukwila, WA, and Los Angeles and San Leandro, CA, and (B) the facilities of General Electric Company at (a) Allentown, PA, (b) Asheboro, NC, (c) Atlanta, GA, (d) Broadview, IL, (e) Brockport, NY, (f) Columbus, OH, (g) Edison, NJ, (h) Grand Prairie, TX, (i) Laurel, MD, (j) Lenexa, KS, (k) Mansfield, MA, (l) Ontario, Garden Grove, and San Leandro, CA, and (m) Seattle and Tukwila, WA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Los Angeles or San Francisco, CA.)

MC 144855 (Sub-14F), filed April 2, 1979. Applicant: TRANS CONTINENTAL CARRIERS, A CORPORATION, 169 East Liberty Ave., Anaheim, CA 92803. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs*, from Chicago, IL, and New Hampton, IA, to points in CA, AZ, and NV. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 141914 (Sub-54F), filed March 27, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from Dummerston, Bellows Falls, and Putney, VT, to points in CA, CO, FL, GA, IA, KY, MD, OH, SC, TN, TX, UT, and VA. (Hearing site: Portland, ME.)

MC 142694 (Sub-4F), filed April 2, 1979. Applicant: JOSEPHINE V. CREAGER, d.b.a. JACK CREAGER TRUCKING, 3812 South 243rd, Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood shakes and shingles*, from points in Grays Harbor County, WA to those points in CA in and south on San Bernardino, Kern, and San Luis Obispo Counties, under continuing contract(s) with A. E. Erickson Enterprises, Inc., of Seattle, WA. (Hearing site: Seattle, WA.)

MC 142715 (Sub-45F), filed April 2, 1979. Applicant: LENERTZ, INC., P.O. Box 141, So. St. Paul, MN 55075. Representative: K.O. Petrick (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials and supplies* (except commodities in bulk), from North Hampton Township and West Salem, OH, to points in CO, IA, IL, AR, LA, OK, TX, KS, MO, NE, ND, SD, MN, WI, and WY, and (2) *materials and supplies* used in the manufacture of building materials, from Oswego, NY, to North Township, OH, restricted in (1) above to the transportation of traffic originating at the facilities of Alside, Inc., at North Hampton Township, OH, and Space Vinyl Division, Aluma King Corp., at West Salem, OH, and destined to the

indicated destinations, and (2) above to the transportation of traffic originating at named origin and destined to the facilities of Alside, Inc., North Hampton Township, OH. (Hearing site: Cleveland, OH, or St. Paul.)

MC 142994 (Sub-7F), filed March 20, 1979. Applicant: VIRGINIA COURIER SERVICE, INC. P.O. Box 287 Harrisonburg, VA 22801. Representative: Chester A. Zyblut 366 Executive Bldg. 1030 Fifteenth St., NW Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cefoxitin*, in vehicles equipped with mechanical refrigeration, between Elkton, VA, and Putney, GA. (Hearing site: Washington, DC.)

MC 145194 (Sub-2F), filed March 29, 1979. Applicant: WOOSTER MOTOR WAYS, INC., 1357 Mechanicsburg Rd., Wooster, OH 44691. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning compounds, buffing compounds, polishing compounds, textile softeners, lubricants, hypochloride solutions, deodorants, disinfectants, and paints* (except commodities in bulk), between the facilities of Economics Laboratory, Inc., (1) at Avenel, NJ, on the one hand, and, on the other, points in IN, IL, PA, and the Lower Peninsula of MI, and (2) at or near Joliet, IL, on the one hand, and, on the other, points in PA and NJ. (Hearing site: Columbus, OH.)

MC 145365 (Sub-1F), filed March 22, 1979. Applicant: NICK PAVOLICH and JUDITH KAY ARNDS, P.O. Box 373, Mammoth Lakes, CA 93546. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles), from points in Washoe County, NV, to points in Inyo and Mono Counties, CA. (Hearing site: Reno, NV.)

MC 145384 (Sub-29F), filed April 2, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid Ave., Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign

commerce, over irregular routes, transporting (1) *metal articles*, (a) from City of Commerce and Vernon, CA, to Salt Lake City, UT, (b) from Santa Barbara, CA, to points in AZ, IL, KY, MO, NM, OH, OK, and TX, and (c) from Chicago, IL (except from the facilities of Reynolds Metals Company), to points in CA, AZ, UT, NV, WA, and OR, and (2) *iron and steel articles*, from Shelby, OH, to points in CA, AZ, UT, NV, WA, and OR.

NOTE.—Dual operations may be involved. (Hearing site: Chicago, IL.)

MC 145504 (Sub-3F), filed March 22, 1979. Applicant: DELGADO BROTHERS TRUCKING, INC., 934 Hialeah Drive, Hialeah, FL 33013. Representative: John P. Bond, 2766 Douglas Rd., Miami, FL 33133. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *refined sugar*, in bags, from the facilities of Florida Crystal Refiners, at Moore Haven, FL, to Fort Lauderdale and Palm Beach, FL, under continuing contract(s) with Industrial Raw Materials, Inc. of Capparra Heights, Puerto Rico, (2) *gas tanks, and propane gas appliances*, from Plant City, FL, and Grand Prairie, TX, to Miami, FL, under continuing contract(s) of with Tropigas, S. A., of Coral Gables, FL, (3)(a) *plantains*, and (b) *commodities* which are otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) (formerly Section 203(b)(6) of the Interstate Commerce Act), in mixed loads with plantains, from Miami, FL, to Chicago, IL, and Los Angeles, CA, and points in Bronx County, NY, under continuing contract(s) with Duran Produce, of Miami, FL, restricted in (1), (2) and (3) above, to the transportation of traffic having a subsequent movement by water, (4) *non-alcoholic beverages, and bottles and cans*, for non-alcoholic beverages, (a) from Miami, FL, to Secaucus, NJ, (b) from Atlanta, GA, to Miami, FL, and (c) from Auburndale, FL, to West Palm Beach and Miami, FL, under continuing contract(s) with Cawy Bottling Company, Inc., of Miami, FL, restricted in (b) and (c) above, to the transportation of traffic having a subsequent movement by water. (Hearing site: Miami, FL.)

MC 145595 (Sub-3F), filed April 4, 1979. Applicant: WARREN G. GORMLEY, d.b.a. GORMLEY TRUCKING, 1607 W. Swan, Springfield, MO 65807. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand, gravel, and rock*, from

those points in OK on and east of Interstate Hwy 35, to those points in MO on and south of Interstate Hwy 70. (Hearing site: Kansas City, MO.)

MC 146134 (Sub-2F), filed March 19, 1979. Applicant: WARREN EGAN, d.b.a. WARREN EGAN TRUCKING, P.O. Box 55, Cavour, WI 54516. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *woodchips, logs, sawdust, sawmill refuse, lumber, and pulpwood*, from facilities of Pine River Lumber Co., Ltd., at Amasa, MI, to points in WI and (2) *logs, sawbolts, and pulpwood*, from points in WI, to Amasa, MI, under continuing contract(s) with Pine River Lumber Co., Ltd., of Long Lake, WI. (Hearing site: Madison or Milwaukee, WI.)

MC 146435 (Sub-2F), filed April 2, 1979. Applicant: SMITH TRUCK BROKERAGE, INC., P.O. Box 974, Willmar, MN 56201. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery and dessert preparations*, from Chicago, IL, to points in MN, ND, MT, ID, WA, OR, and UT. (Hearing site: Minneapolis, or St. Paul, MN.)

Note.—Dual operations may be involved.

MC 146524 (Sub-1F), filed March 29, 1979. Applicant: PAUL GROGAN, 1477 Ripley St., Lake Station, IN 46401. Representative: Turner White, 910 Plaza Towers, Springfield, MO 65804. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wooden pallets and pallet materials*, from Summersville, MO, to Chicago, IL, under continuing contract(s) with Grogan Lumber Company, of Summersville, MO. (Hearing site: St. Louis or Kansas City, MO.)

MC 146595 (Sub-1F), filed April 2, 1979. Applicant: SELCO CORPORATION, P.O. Box 628, Provo, UT, 84601. Representative: Daniel O. Hands, Suite 200, 205 West Toughy Ave., Park Ridge, IL 60069. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of E. J. Brach & Sons, at or near (1) Chicago, IL, to the facilities of E. J. Brach & Sons, at or near Reno, NV, and (2) Reno, NV, to points in AZ, CA, OR,

UT, and WA, restricted to the transportation of traffic originating at the named origins. (Hearing site: Chicago, IL.)

MC 146665 (Sub-1F), filed April 4, 1979. Applicant: GUY SHAVENDER TRUCKING, INC., P.O. Box 206, Pantego, NC 27860. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood residuals*, from points in NC, to points in VA. (Hearing site: Raleigh, NC.)

MC 146754 (Sub-1F), filed April 2, 1979. Applicant: TENNANT TRUCK LINES, INC. P.O. Box 336 Orion, IL 61273. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and dealers of agricultural equipment, industrial equipment, and lawn and leisure products, (except commodities in bulk), between the facilities of International Harvester Company, at East Moline, Moline, and Rock Island, IL, on the one hand, and, on the other, points in IN and IA, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL)

MC 140094 (Sub-1F), filed April 2, 1979. Applicant: LATIN EXPRESS SERVICE, INC., 4 N.W. 19th Ave., Miami, FL 33125. Representative: John P. Bond, 2766 Douglas Rd., Miami, FL 33133. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Miami, FL, and Union City, NJ, and extending to points in FL, GA, AL, MS, LA, TN, SC, NC, VA, DE, MD, WV, PA, WA, NJ, CT, RI, NY, MA, VT, NH, ME, OH, KY, MI, and DC. (Hearing site: Miami, FL, or Union City, NJ.)

[FR Doc. 79-25288 Filed 8-15-79; 8:45 am]

BILLING CODE 7035-01-M

[Service Order No. 1344, I.C.C. Order No. 48]

Rerouting Traffic

To: All Railroads.

In the opinion of Joel E. Burns, Agent, there are five loads now on hand at St. Louis, Missouri, routed from Consolidated Rail Corporation via

Chicago, Rock Island and Pacific Railroad Company via Kansas City, Kansas. This line is presently embargoed by CRIP embargo No. 12-79.

It is ordered,

(a) *Rerouting traffic.* Here are five loads on hand on Consolidated Rail Corporation tracks at St. Louis, Missouri, routed via Chicago, Rock Island and Pacific Railroad Company (RI) via Kansas City, Kansas. RI embargo No. 12-79 embargoes all through traffic for movement over the RI main line between St. Louis, Missouri, and Kansas City, Kansas. In order to expedite the movement of this traffic, these five loads may be diverted or rerouted via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* Railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 1:00 p.m., August 1, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 10, 1979, unless otherwise modified, changed, or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 1, 1979.
Interstate Commerce Commission.

Joel E. Burns,
Agent.

[FR Doc. 79-25287 Filed 8-15-79; 8:45 am]

BILLING CODE 7035-01-M

Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before September 17, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceedings. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

By the Commission.
Agatha L. Mergenovich,
Secretary.

MC-FC-78004, filed January 14, 1979.
Transferee: ULYSSES LUMBER, INC.,
P.O. Box 274, Ulysses, PA 16948.
Transferor: GORDON C. GRAVES, d/b/
a/ GORDON C. GRAVES TRUCKING
CO., Box 154, Ulysses, PA 16948.
Representative: Joseph F. Hoary, 121 S.
Main St., Taylor, PA 18517. By decision
of 1979, the Motor Carrier Board granted
transferee authority to purchase the
operating rights of transferor in
Certificate No. MC-20587, issued
January 31, 1966, authorizing lime,
fertilizer, building materials, and
machinery, between Ulysses, PA, and
points within 25 miles thereof, on the
one hand, and, on the other, Buffalo and
Batavia, NY; livestock, from Ulysses,
PA, and points within 25 miles thereof,
to Buffalo, NY; and feed, from Buffalo,
NY, to Ulysses, PA, and points within 25
miles of Ulysses. Transferee holds no
authority from this Commission. An
application for temporary lease
authority has not been filed.

[FR Doc. 79-25286 Filed 8-15-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 160

Thursday, August 16, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	<i>Items</i>
Civil Aeronautics Board.....	1
Federal Deposit Insurance Corpora- tion.....	2, 3
Federal Mine Safety and Health Review Commission.....	4, 5
Federal Reserve System.....	6
Merit Systems Protection Board.....	7
Securities and Exchange Commission..	8

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., August 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 33910, Draft final rule to reduce the amount of data collected from air taxi operators and commuter air carriers (memo 8250-A, OEA, BDA, OGC).
3. Dockets 32546, 32547 and 33362, Applications of Rich International Airways, Inc. in the Former Large Irregular Air Service Investigation (memo 9044, OGC).
4. Docket 31788—Split all-cargo and split passenger/cargo charters (OGC, BDA, BIA).
5. Docket 34965—Direct marketing of charters by air carriers (OGC, BDA).
6. Docket 33031, Expansion of Part 380, the Public Charter rule, to allow them to be flown by air taxis (OGC, BDA).
7. Docket 35446, Request of Suntours, Ltd. for an extension of the duration of the blanket waiver granted all charter operators of certain consumer protection provisions of Part 380 (memo 9042, BDA, OGC, BCP).
8. Docket 35139, Proposed amendments to Part 221a, Fare Summaries (OGC, BDA, BCP).
9. Notice of proposed rulemaking to change Part 374a to allow a 25-day payment period for political candidates instead of the present 14-day requirement (OGC).
10. Dockets 30332, Agreements CAB 27769-R5 and -R6; Docket 30777, Agreements CAB 27770-R10 and -R11; Agreements among members of IATA setting interline service charges (BDA, OGC, BCP).
11. Dockets 35518, 35724, 35624, 35689, 35718, 35717, 35721, 35719, 35698, 35725, 35714, California-Denver Show Cause Proceeding. PSA's application to amend its certificate to authorize service between the terminal point Denver and the alternate terminal points

Burbank, Long Beach, Los Angeles, Ontario, San Diego, San Francisco, and San Jose. Applications of American, Braniff, Delta, Eastern, Frontier, Northwest, Republic, USAir and Western for similar authority, in whole or in part (memo 8706-B, BDA).

12. Dockets 35472 and 35741, BALJ Comments: BDA proposal to issue final order granting Western and Ozark Dallas/plus Forth-Honolulu/Hilo certificated authority (memo 9033, BDA, BALJ).

13. Dockets 34235, 33873, 33944, 33865, 33857, 34343, 33661, 34158, 34467, 33965, 33756, 33757, 33758, 33912, 34010, 33945, 33866, 34111, 33966, 33755; Applications of Allegheny et al., for removal of operating restrictions; and applications for exemption authority (memo 8897, BDA).

14. Dockets 30750, 31178, 31599; Applications of Alaska Airlines, Texas International Airlines, and Braniff Airways for Texas-Alberta-Alaska certificate authority (memo 9045, BIA, OGC, BALJ).

15. Docket 35385, Application of Polskie Linie Lotnicze (LOT) for amendment and renewal of foreign air carrier permit (memo 9043, BIA, OGC, BALJ).

16. Docket 35834, Application of Colibri Aviation Registered for an initial foreign air carrier permit to operate charters between Canada and the United States using small aircraft (memo 9046, BIA, OGC, BALJ).

17. Docket 34765, Cougar Air Inc. for an initial foreign air carrier permit to operate charters between Canada and the United States using small aircraft (BIA, OGC, BALJ).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1631-79 Filed 8-14-79; 2:57 pm]

BILLING CODE 6320-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of changes in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, August 13, 1979, the Corporation's Board of Director's determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac, concurred in by Director John G. Heimann, that Corporation business required the withdrawal of the following matters from the agenda for consideration at the meeting, on less than 7 days notice to the public:

Item No. II.3. an application of the proposed Global Union Bank, New York (Manhattan), New York, for Federal deposit insurance.

Item No. II.4. an application of the proposed Community Bank and Trust, Rockdale, Texas, for Federal deposit insurance.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: August 13, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary

[S-1629-79 Filed 8-14-79; 12:00 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30, Monday, August 20, 1979.

PLACE: Board room sixth floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal Deposit Insurance

Rancho Bank, a proposed new bank to be located at 530 West Bonita Avenue, San Dimas, Calif., for Federal deposit insurance.

The Dakota Bank, a proposed new bank to be located at 24th Avenue South and Columbia Road, Grand Forks, N. Dak., for Federal deposit insurance.

Sunrise Bank, a proposed new bank to be located at 1175 FM 802, Brownsville, Tex., for Federal deposit insurance.

Texas Bank & Trust of Brownsville, a proposed new bank to be located at 3201 Central Boulevard, Brownsville, Tex., for Federal deposit insurance.

Auburn Valley Bank, a proposed new bank to be located at the northeast corner of the intersection of 15th Street N.E. and "D" Street N.E., Auburn, Wash., for Federal deposit insurance.

Global Union Bank, a proposed new bank to be located at Wall Street Plaza, New York (Manhattan), N.Y., for Federal deposit insurance.

Application for Consent To Establish a Branch

BayBank Newton-Waltham Trust Company, Waltham, Massachusetts, for consent to establish a branch at 325 Beacon Street, Chestnut Hill, Massachusetts.

Application for Consent To Merge and Establish Branches

Florida Coast Bank of Pompano Beach, Pompano Beach, Fla., for consent to merge with Florida Coast Bank of Coral Springs, National Association, Margate, Fla., under the charter of Florida Coast Bank of Pompano Beach and with the title "Florida Coast Bank of Broward County," and for consent to establish the four offices of the bank being acquired as branches of the resultant bank.

Application for Consent To Reduce Contributed Capital

Pacific Coast Bank, San Diego, Calif., for consent to reduce the bank's contributed capital.

Request for Exemption From Section 348.4(b)(3) of the Corporation's Rules and Regulation Entitled "Management Official Interlocks"

Bank of Cameron, Cameron, Wis.

Recommendations Regarding the Liquidation of a Bank's Assets Acquired by the Corporation in its Capacity as Receiver, Liquidator, or Liquidating Agent of Those Assets

Case No. 43,921-L—Franklin National Bank, New York, N.Y.; the Hamilton National Bank of Chattanooga, Chattanooga, Tenn.; American Bank & Trust Co., New York, N.Y.; and Farmers Bank of the State of Delaware, Dover, Del.

Case No. 43,996-L—(amended)—International City Bank & Trust Co., New Orleans, La.

Case No. 43,997-L—Franklin National Bank, New York, N.Y.

Case No. 44,010-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

Case No. 44,014-L—Northern Ohio Bank, Cleveland, Ohio.

Memorandum re: United States National Bank, San Diego, Calif.

Memorandum re: Bank of Woodmoor, Woodmoor (P.O. Monument), Colo.

Memorandum re: Republic National Bank of Louisiana, New Orleans, La.

Recommendations With Respect to the Initiation or Termination of Cease-and-Desist Proceedings Termination-of-Insurance Proceedings, or Suspension or Removal Proceedings Against Certain Insured Banks or Officers or Directors Thereof

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel Actions Regarding Appointments, Promotions, Administrative Pay Increases, Reassignments, Retirements, Separations, Removals, etc.

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary (202)389-4425.

[S-1828-79 Filed 8-14-79; 11:41 am]

BILLING CODE 6714-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

August 14, 1979.

TIME AND DATE: 10 a.m., August 21, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Secretary of Labor V. Kenny Richardson*, Docket No. BARB 78-600-P (Petition for Discretionary Review).

2. *Hilo Coast Processing Company*, Docket No. DENV 79-50-M, etc. (Petition for Discretionary Review).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1632-79 Filed 8-14-79; 2:57 pm]

BILLING CODE 6820-12-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

August 10, 1979.

TIME AND DATE: 10 a.m., August 15, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: This meeting may be closed.

MATTERS TO BE CONSIDERED: The Commission will also consider and act upon the following:

4. Disciplinary matter, D 79-2 (reference *Co-op Mining Company*, Docket Nos. DENV 78-128-P and DENV 78-129-P).

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1626-79 Filed 8-14-79; 10:44 am]

BILLING CODE 6820-12-M

6

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, August 22, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed delegation of authority to the Federal Reserve Banks to approve certain domestic bank holding company applications.

2. Report to the Comptroller of the Currency regarding the competitive factors involved in the proposed merger of Eagle Rock Bank, Inc., Eagle Rock, Virginia, with the First National Exchange Bank of Virginia, Roanoke, Virginia.

3. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-4204.

Griffith L. Garwood,
Deputy Secretary of the Board.

August 14, 1979.

[S-1633-79 Filed 8-14-79; 3:57 pm]

BILLING CODE 6210-01-M

7

MERIT SYSTEMS PROTECTION BOARD.

TIME AND DATE OF MEETING: 9:30 a.m. Thursday and Friday, August 23 and 24, 1979.

PLACE: Room 404, 717 Madison Place, NW., Washington, D.C.

STATUS: Open.

SUBJECT: Continuation of hearing in case of: In re Frazier, et al.

CONTACT PERSON FOR MORE INFORMATION: Charles J. Stanislav, Jr., Acting Director, Office of the Secretary (202-653-7130).

Charles J. Stanislav, Jr.,
Acting Secretary, Office of the Secretary.

[S-1630-79 Filed 8-14-79; 2:57 pm]

BILLING CODE 6325-20-M

8

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: [44 FR 45546 August 2, 1979, to be published].

STATUS: Open meeting; closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Monday July 30, 1979 and Monday August 6, 1979.

CHANGES IN THE MEETING: Deletion; Additional items.

The following item was not considered at an open meeting scheduled for Tuesday, August 7, 1979, at 9:30 a.m.:

Consideration of a release which would solicit public comment on proposed amendments to Rule 12f-4 under the Securities Exchange Act of 1934. The proposed amendments would exempt securities which have been granted unlisted trading privileges from only the periodic reporting, proxy and short-swing profit provisions of the Exchange Act. The proposed amendment would terminate the present literal exemption from the provisions relating to accounting controls, acquisitions and tender offers. For further information, please contact Carl T. Bodolus at (202) 376-2412 or Ronald Adee at (202) 376-2417.

The following additional item will be considered at an open meeting scheduled for Monday, August 13, 1979, at 10 a.m.:

Consideration of what response to make to the request of the Senate Committee on Banking, Housing, and Urban Affairs for the Commission's comments concerning S. 1236, the "State and Local Government Accounting and Financial Reporting Standards Act of 1979," which would amend the Securities Exchange Act to ensure the availability of nationally recognized accounting and financial reporting standards for state and local governments. The Commission will discuss whether the bill sets forth an appropriate framework for ensuring adequate disclosure by state and local governments in connection with the sale of their securities. For further information, please contact Nicholas Gimbel at (202) 755-1268.

The following additional items will be considered at a closed meeting scheduled for Monday, August 13, 1979, immediately following the 10 a.m. open meeting:

Subpoena enforcement action.

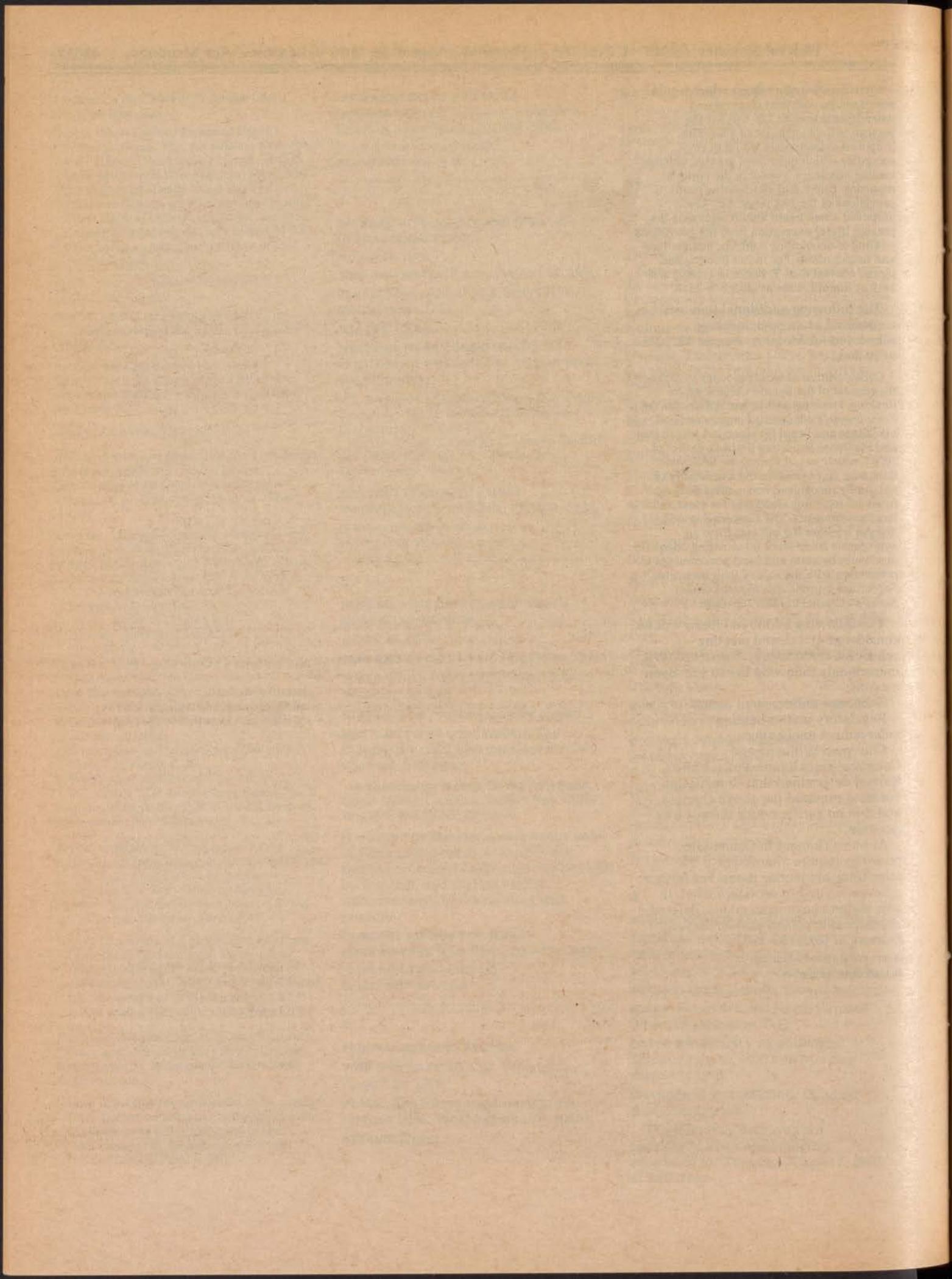
Regulatory matter bearing enforcement implication.

Chairman Williams and Commissioners Evans, Pollack and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact: Beverly Rubman at (202) 755-1103.

[S-1827-79 Filed 8-14-79; 11:19 am]

BILLING CODE 8010-01-M



federal register

Thursday
August 16, 1979

Part II

**Department of
Health, Education,
and Welfare**

Office of the Secretary

**Improving Government Regulations;
Semiannual Agenda of Regulations**

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE****Office of the Secretary**

[20 CFR Ch. III]

[21 CFR Ch. I]

[42 CFR Chs. I-IV]

[45 CFR Subtitles A and B]

**Improving Government Regulations;
Semiannual Agenda of Regulations****AGENCY:** Department of Health,
Education, and Welfare.**ACTION:** Publication of the semiannual
agenda of regulations (Improving
Government Regulations).**SUMMARY:** The President's Executive
Order on Improving Government
Regulations, Executive Order 12044,
requires each Federal agency to publish
at least twice a year a list of significant
regulations under development. HEW
published its first semiannual agenda in
the May 30, 1978, *Federal Register* (43 FR
23119) and a second agenda on January
19, 1979 (44 FR 4176). This semiannual
agenda contains: (1) *all* non-FDA
regulations being developed within the
Department; and (2) FDA regulations
classified as "policy significant".**FOR FURTHER INFORMATION CONTACT:**

For inquiries or comments related to
specific regulations listed in the agenda,
the public is encouraged to contact the
appropriate responsible individual.
Questions or comments concerning the
overall agenda should be sent to Rick
Cotton, Executive Secretary to the
Department of Health, Education, and
Welfare, 200 Independence Avenue,
S.W., Washington, D.C. 20201, (202) 245-
9098.

Dated: August 2, 1979.

Joseph A. Califano, Jr.,
Secretary.

BILLING CODE 4110-12-M

New Entries

Health Services Administration

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>*RA</u>	<u>Contact</u>
Part 31 - Medical Care for Certain Personnel of the Coast Guard, Public Health Service, and National Oceanic and Atmospheric Administration	RP	Policy Significant	Sec. 326 of the PHS Act (42 U.S.C. 253)	The rights and obligations of PHS beneficiaries for medical, dental, and surgical care.	The proposed regulation is needed to clarify and update the conditions under which statutory beneficiaries may receive their medical, dental, and surgical care at PHS facilities and at PHS expense.	No	Walter W. Ward Bureau of Medical Services Room 1129 FCB #3 6525 Belcrest Rd. W. Hyattsville, MD 20782 301-436-6261
Part 32 - Medical Care for Seamen and Certain Other Persons	RP	Policy Significant	Sec. 322 of the PHS Act (42 U.S.C. 249)	The rights and obligations of PHS beneficiaries for medical, dental, and surgical care.	The proposed regulation is needed to clarify and update the conditions under which American seamen and others may receive care at PHS facilities and at PHS expense.	No	Walter W. Ward Bureau of Medical Services Room 1129 FCB #3 6525 Belcrest Rd. W. Hyattsville, MD 20782 301-436-6261

*RA - Regulatory Analysis (Yes/No)

*RA-REGULATORY
ANALYSIS
(YES/NO)New Entries

Health Services Administration

<u>TITLE</u>	<u>STATE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>*RA</u>	<u>CONTACT</u>
Persons to Whom services will be provided	NPRM	Policy Significant	25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 Transfer Act)	OGC and the Justice Dept. have advised that the current regulation which provides eligibility only for non-Indian wives of eligible Indians is legally indefensible being an illegal discrimination based on sex and OGC has also advised that IHS policy of serving dependent members of an eligible Indians' household both Indian and non-Indian should be provided for in regulation rather than only in the IHS Manual.	The regulation will amend 42 CFR 36.12 to specify eligibility for services for dependent members of an eligible Indians' household and will correct the improper sex-discrimination clause so that the eligibility status of non-Indian spouses will be the same regardless of sex.	No	Richard J. McCloskey Indian Health Service Room 6A-20 5600 Fishers Lane Rockville, MD. 20857 (301-443-1116)

New Entries

Health Services Administration

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Project Grants for Community Health and Migrant Health Centers	NPRM	Technical	Sections 330 and 329, PHS Act, as amended by P.L. 95-626	Implementation provisions needed	Regs will implement statutory provisions requiring that pharmaceutical services be mandatory, some supplemental services be defined as priority services, and allowing grantees to retain half of earned income. Migrant high impact area is reduced from 6,000 migrants to 4,000	No	James J. Corrigan Director, Division of Policy Development, BCHS, Rm. 6-17 Parklawn Building 5600 Fishers Lane Rockville, Md. 20857
Grants to Plan, Develop and Operate Hospital-Affiliated Primary Care Centers	NPRM	"	Sec. 328, PHS Act, as added by P.L. 95-626	"	Regs will implement provisions for hospitals to plan, develop and operate centers to provide comprehensive and continuous health and medical care to populations in medically underserved areas	"	"
Project Grants to States for Hypertension Services	NPRM	"	Sec. 317(a), PHS Act, as amended by P.L. 95-626	"	Regs will implement statutory amendments changing formula grants to project grants, requiring greater accountability and more effective service programs	"	"

*RA - Regulatory Analysis (Yes/No)

Continuation from Last Agenda

Health Services Administration

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Amendments to MCH CC Services Programs Regulations	NPRM	Technical	Title V SSA	Implementation Provisions Needed	Regs will implement statutory amendments dealing with reasonable costs and will make clarifying administrative changes	No	James J. Corrigan Director, Division of Policy Development, BCHS, Rm. 6-17 Parklawn Building 5600 Fishers Lane Rockville, Md. 20857
Project grants for Family Planning Services	Final	"	Title X PHS Act amended by P.L. 95-613	"	Regs will make changes required by P.L. 95-613 adding infertility services and services for adolescents	"	"
Assignment of NHSC Personnel	Final	"	Sec. 333, PHS Act	"	Regs will establish requirements for assignment of NHSC personnel to health manpower shortage areas	"	"
Health and Nutrition Demonstration Projects - Dept. of Commerce	NPRM	"	Sec. 516 of the Regional Development Act of 1975	"	Regs will establish requirements for multi-county health and nutrition demonstration projects in economic development regions	"	"
Projects for Training Home Health Personnel	Final	"	Sec. 339(b) PHS Act, as added by P.L. 95-626	"	Regs will provide requirements for projects to train personnel of home health agencies to assure high quality of care	"	"

*RA - Regulatory Analysis (Yes/No)

HEALTH RESOURCES ADMINISTRATION

NEW ENTRIES

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
Inclusion of Computed Tomographic Scanning Services	F	Technical	P.L. 93-641 Section 1523	Required by statute	Amends regulations which establish requirements for State certificate of need programs (42 CFR, Parts 122 and 123) by requiring review under certain circumstances of diagnostic services provided by fixed or mobile computed tomographic scanning equipment.	No	Colin C. Rorrie, Jr., Ph.D. Director, Bureau of Health Planning/HRA Center Bldg. 3700 East-West Hwy. Hyattsville, Md. 20782 (301) 436-6850
Inclusion of Computed Tomographic Scanning Services	F	Technical	Social Security Act, Section 1122	Required by statute (P.L. 93-641, Section 1532(a))	Amends regulations for the capital expenditure review program (42 CFR, Part 100) by establishing rules regarding reviews of proposed capital expenditures for computed tomographic scanner services.	No	Colin C. Rorrie, Jr., Ph.D. Director, Bureau of Health Planning/HRA Center Bldg. 3700 East-West Hwy. Hyattsville, Md. 20782 (301) 436-6850

^{1/}Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

CONTINUATION

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
Designation of Health Manpower Shortage Areas	F	Technical	P.L. 94-434 Section 332(b)	Required by statute	To establish criteria for the designation of geographic areas, population groups, medical facilities, and other public facilities, in the States, as health manpower shortage areas	No	Richard Lee, Bureau of Health Manpower, HRA Center Building, 3700 East-West Highway, Hyattsville, Md. 20782 (301) 436-6764
Criteria for Payment of Tuition and other Educational Costs	F	Technical	P.L. 94-484 Section 711	Required by statute	To establish criteria to be used in determining allowable increases in tuition and other educational costs for which the Secretary is responsible under the National Health Service Corps Scholarship Program, and Scholarships for First-Year Students of Exceptional Financial Need	No	Donald C. Parks, Bureau of Health Manpower, HRA Center Building, 3700 East-West Highway, Hyattsville, Md. 20782 (301) 436-6560
Traineeships for Students in Schools of Public Health & Other Graduate Public Health Programs	F	Technical	P.L. 94-484 Section 748	Required by statute	To govern grants to schools of public health or nonprofit private educational entities to support traineeships for students in the graduate education programs of these entities in public health	No	Thomas D. Hatch, Bureau of Health Manpower, HRA Center Building, 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6838

^{1/} Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

CONTINUATION

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA ^{1/}	Contact
Traineeships Grants for Health Administration, Hospital Administration or Health Policy Analysis and Planning at Public or Nonprofit Private Educational Institutions other than Schools of Public Health	F	Technical	P.L. 94-484 Section 749	Required by statute	To govern grants to public or nonprofit private educational entities (excluding schools of public health) to support traineeships in graduate educational programs of such entities in health admin., hospital admin., or health policy analysis and planning.	No	Thomas D. Hatch, Bureau of Health Manpower, HRA Center Building, 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6838
National Health Service Corps Scholarships	F	Technical	P.L. 94-484 Section 751	The Department has decided that regs. are needed to implement the statute	The regs are applicable to the award of scholarships under the National Health Service Corps Scholarships Program to students receiving academic training in medicine, osteopathy, dentistry, and other health professions in order to assure an adequate supply of trained health professions to improve the delivery of health services in health manpower shortage areas	No	Alice Swift, Bureau of Health Manpower, HRA Center Building, 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6788

^{1/} Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

CONTINUATION

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA ^{1/}	Contact
Scholarships for First-Year Students of Exceptional Financial Need	F	Technical	P.L. 94-484 Section 758	The Department has decided that regs are needed to implement the statute.	To govern grants to health professions schools to provide scholarships for full-time first-year students of exceptional need	No	Alice Swift, Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6788
Area Health Education Centers	F	Technical	P.L. 94-484 Section 781	Required by statute	To govern programs to improve the distribution, supply, quality, utilization, and efficiency of health personnel in the health services delivery system and to encourage the regionalization of educational responsibilities of health professions schools	No	Kenneth Moritsugu Bureau of Health Manpower, HRA Center Building, 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6418
Grants for Residency Training in General Internal Medicine or General Pediatrics	F	Technical	P.L. 94-484 Section 784	Required by statute	To govern grants for residency programs in general internal medicine or general pediatrics	No	Kenneth Moritsugu Bureau of Health Manpower, HRA Center Building, 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6418

^{1/} Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

CONTINUATION

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA ^{1/}	Contact
Grants for Training in Family Medicine	F	Technical	P.L. 94-484 Section 786(a)	Required by statute	The regs are for grants to assure the institutionalization of family medicine within the schools of medicine and osteopathy, to encourage students, through the context of educational programs and through the contact with role model family physician to pursue careers in family medicine	No	Kenneth Moritsugu Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6418
Educational Assistance to Individuals from Disadvantaged Backgrounds	F	Technical	P.L. 94-484 Sections 787 and 798	Required by statute	To govern grants to provide educational assistance to individuals from disadvantaged backgrounds to undertake training and education to enter the health professions or allied health professions	No	Kinzo Yamamoto Office of Health Resources Opportunity, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-7230
Grants to Schools of Medicine, Dentistry, Public Health, Osteopathy, Optometry, Podiatry, Pharmacy, and Veterinary Medicine for Start-up Assistance	NPEM	Technical	P.L. 94-484 Section 788(a)	Required by statute	To govern grants to provide start-up assistance for initiating new schools of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, and podiatry	No	John Westcott, Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6564

^{1/} Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

CONTINUATION

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA ^{1/}	Contact
Grants for Training in Emergency Medical Services	F	Technical	P.L. 94-484 Section 789	Required by statute	To set forth requirements for grants for training programs in emergency medical services	No	Kenneth Moritsugu Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6418
Grants for Graduate Programs in Health Administration	F	Technical	P.L. 94-484 Section 791	Required by statute	To implement the Sec.'s authority to make grants to public or nonprofit private educational entities (excluding schools of public health) to support the health admin. and health planning graduate educational programs of such entities	No	Thomas D. Hatch Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6838
Special Project Grants for Graduate Programs in Public Health	F	Technical	P.L. 94-484 Section 792	Required by statute	To implement the Sec.'s authority to make grants to schools of public health & other public or non-profit educational entities for projects to develop new graduate programs or to expand existing programs in biostatistics, epidemiology, health admin., health planning, health policy analysis & planning environmental or occupational health and dietetics & nutrition	No	Thomas D. Hatch Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6838

^{1/} Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

CONTINUATION

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
Grants for Traineeships for Advanced Training of Allied Health Personnel	P	Technical	P.L. 94-484 Section 797	Required by statute	To set forth requirements for grants to public or private non-profit institutions to meet the costs of traineeships for the advanced training of allied health personnel to a) teach in allied health training programs, or b) serve in administrative or supervisory capacities.	No	Thomas D. Hatch Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6838
Grants for Nurse Practitioner Traineeship Programs	IP	Technical	P.L. 94-484 Section 822(b)	The Department has decided that regs are needed to implement the statute	To set forth requirements for grants to schools of nursing medicine, and public health, public or non-profit private hospitals, and other nonprofit entities to meet the costs of traineeships for the training of nurses who reside in health manpower shortage areas and who sign a commitment to practice in health manpower shortage areas having shortages of primary medical care manpower	No	Dr. Mary Hill, Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6681

^{1/} Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

CONTINUATION

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
Interdisciplinary Team Training and Curriculum Development for Health Manpower Training	NPRM	Technical	P.L. 94-484 Section 788(d)	Required by statute	To establish requirements for grants for interdisciplinary team training among schools in various health disciplines and for curriculum development in various areas related to health manpower	No	James Hoover, Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-74

^{1/} Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

CONTINUATION

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
National Guidelines for Health Planning	NPRM	Policy Significant	P.L. 93-641 Section 1501	Required by statute	The guidelines consist of National Health Planning goals with respect to health status, health promotion, & disease prevention, and access to services	No	Office of Assistant Administrator on Planning, Evaluation & Legislation, HRA Center Building Room 10-22 3700 East-West Hwy Hyattsville, Md. 20782 (301) 436-7270
Governing Body Requirements for Health Systems Agencies	F	Policy Significant	P.L. 93-641 Section 1512(b)	Required by statute	Establishes requirements No regarding the composition and method of selection of governing bodies, executive and other committees of health systems agencies, and methods of selection of members of those bodies.	No	Colin C. Rorrie, Jr., Ph.D. Director, Bureau of Health Planning/HRA Center Bldg. 3700 East-West Hwy. Hyattsville, Md. 20782 (301) 436-6850
Health Systems Agency Reviews of Certain Proposed Uses of Federal Health Funds	F	Policy Significant	P.L. 93-641 Section 1513(e)	Required by statute	Establishes requirements No governing the review and approval or disapproval by health systems agencies of certain proposed uses of Federal funds.	No	Colin C. Rorrie, Jr., Ph.D. Director, Bureau of Health Planning/HRA Center Bldg. 3700 East-West Hwy. Hyattsville, Md. 20782 (301) 436-6850

1/Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

CONTINUATION

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
Health Systems Agency Reviews of Certain Proposed Uses of Federal Funds: Proposed Uses for Research and Training	NPRM	Policy Significant	P.L. 93-641 Section 1513(a)	Required by statute	Establishes requirements No governing the review and approval or disapproval by health systems agencies of certain proposed uses of Federal health funds through research and training grants and contract.	No	Colin C. Rorrie, Jr., Ph.D. Director, Bureau of Health Planning/HRA Center Bldg. 3700 East-West Hwy. Hyattsville, Md. 20782 (301) 436-6850
Health Systems Agency and State Agency Reviews of the Appropriateness of Existing Institutional Health Services	F	Policy Significant	P.L. 93-641 Sections 1513(g) and 1523(a)(b) 1523(b)(3)	Required by statute	Establishes minimum procedures and criteria for health systems agencies to review the appropriateness of all existing institutional health services in their areas.	No	Colin C. Rorrie, Jr., Ph.D. Director, Bureau of Health Planning/HRA Center Bldg. 3700 East-West Hwy. Hyattsville, Md. 20782 (301) 436-6850
Limitation on Federal Participation for Capital Expenditures	F	Policy Significant	Social Security Act, Section 1122	Required by statute (P.L. 93-641 Section 1532(a))	Amends regulations for the capital expenditure review program (42 CFR, Part 100) to take into account certain requirements respecting 1122 reviews imposed by Title XV of the Public Health Service Act.	No	Colin C. Rorrie, Jr., Ph.D. Director, Bureau of Health Planning/HRA Center Bldg. 3700 East-West Hwy. Hyattsville, Md. 20782 (301) 436-6850

1/Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

CHANGED STATUS

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
Health Professions Capitation Grants	F (NPRM pub. 4/27/79)	Technical	P.L. 94-484 Section 770-772	Required by statute	To govern grants to schools of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, and podiatry for the support of the education programs of those schools	No	John Westcott, Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6564
Health Professions Financial Distress Grants	F (I.F. pub. 3/21/79)	Technical	P.L. 94-484 Section 788(b)	Required by statute	To implement the awarding of grants to assist schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, pharmacy and public health in meeting their costs of operation, if they are in serious financial distress, or in meeting accreditation requirements, if they have a special need for assistance in meeting these requirements, & to carry out appropriate operational, managerial, and financial reforms	No	James Secret, Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6558

^{1/} Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

CHANGED STATUS

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
Grants for Allied Health Projects	F (NPRM pub. 12/21/78)	Technical	P.L. 94-484 Section 796	Required by statute	To implement the Sec.'s authority to make grants to a. establish regional or State systems to assure that allied health and nursing personnel needs in the area are met by coordinating & managing allied health and nursing education and training among educational institutions; b. establish or improve recruitment, training and retraining programs for allied health personnel, and c. establish career ladders & advancement programs for practicing allied health personnel	No	Thomas D. Hatch Bureau of Health Manpower, HRA Center Building 3700 East-West Highway Hyattsville, Md. 20782 (301) 436-6838

^{1/} Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

DELETIONS

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Reason for Deletion</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
Special Assurances Required of Schools of Medicine Applying for Health Professions Capitation Grants	IF pub. 8/17/78	Technical	P.L. 94-481 Section 771(b)	Consolidation with Health Professions Capitation Grants regulations (Sections 770-772)	Implement certain requirements for schools of medicine to be eligible for capitation grants.	No	John Westcott Bureau of Health Manpower/HRA Center Bldg. 3700 East-West Hwy. Hyattsville, Md. 20782 (301) 436-6564
Grants for Traineeships for the Advanced Training of Professional Nurses	NPRM	Technical	P.L. 93-64 Section 830	Department has decided to defer publication indefinitely	To govern grants to public and non-profit institutions to cover the costs of traineeships for the advanced training of professional nurses.	No	Dr. Mary Hill Bureau of Health Manpower/HRA Center Bldg. 3700 East-West Hwy. Hyattsville, Md. 20782 (301) 436-6564
State Medical Facilities Plan	F	Policy Significant	P.L. 93-641 Section 1603	Anticipated deletion of authority	To govern the development and contents of State medical facilities plans. These plans would enable the Department to approve assistance to medical facility projects under Title XVI of the PHS Act.	No	Krys Krystynak, Ph.D. Bureau of Health Facilities Financing, Compliance and Conversion HRA Center Bldg. 3700 East-West Hwy. Hyattsville, Md. 20782 (301) 436-7704

1/Regulatory Analysis

HEALTH RESOURCES ADMINISTRATION

DELETIONS

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Reason for Deletion</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
Loans and Loan Guarantees for Medical Facility Construction and Modernization	NPRM	Policy Significant	P.L. 93-641 Sections 1620, 1622, 1634	Expiration of Authority	To provide direct loans to public or private nonprofit entities and to guarantee loans made by non-Federal lenders to nonprofit private entities. The loans may be used to modernize medical facilities, construct new outpatient medical facilities, construct new inpatient medical facilities in areas which have expanded rapid population growth or convert existing medical facilities for the provision of new health services.	No	Krys Krystynak, Ph.D. Bureau of Health Facilities Financing, Compliance and Conversion HRA Center Bldg. 3700 East-West Hwy. Hyattsville, Md. 20782 (301) 436-7704

NATIONAL INSTITUTES OF HEALTH
REGULATION AGENDA

(New Entries)
*RA-Regulatory
Analysis (Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact:
Protection of Human Subjects—Institutional Review Boards	NPRM	Policy Significant	National Research Act (P.L. 93-348)	Statute specifically requires appropriate administrative action by the Sec. The Sec. has decided to issue regulations	These revised regulations will govern the Institutional Review Board mechanism. The purpose of IRB's is to assure that biomedical and behavioral research conducted or supported by DHEW meets the requirements respecting informed consent identified by the Commission for the Protection of Human Subjects of Biomedical & Behavioral Research.	No	Mr. F. William Donnel, Office for Protection from Research Risks, Westwood Bldg., Room 304, Bethesda, Md. 20205 (301) 496-7005
PHS Regulations for the Program of National Research Service Awards	Final	Technical	The Community Mental Health Centers Extension Act of 1978 (P.L. 95-622), The Health Services Research & Health Care Technology Act of 1978 (P.L. 95-623)	Amendments are specifically mandated by law. The Sec. is taking appropriate administrative action.	These revised regulations govern the program of NRSA's which are given to promote research training in specified areas of science	No	Dr. William Raub Associate Director for Extramural Research and Training, NIH, Bethesda, Md. 20205 (301) 496-1096

NATIONAL INSTITUTES OF HEALTH
REGULATION AGENDA

(Continuation)
*RA-Regulatory
Analysis (Yes/No)

Title	State of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact:
Protection of Human Subjects—Compensation of Human Subjects Injured in DHEW Supported Biomedical & Behavioral Research	NPRM	Policy Significant	Not specifically required by legislation, general authority PHS Act Section 301	The Department is considering major changes in policy and has requested public comment on proposal.	Regulations would require institutions applying for DHEW grants or contracts in support of research involving human subjects to provide assurances that they have in force mechanisms to provide compensation for individuals who suffer injury as a result of their participation as subjects.	No	Mr. F. William Donnel Office for Protection from Research Risks, NIH, Westwood Bldg., Room 304, Bethesda, Md. 20205 (301) 496-7005
Protection of Human Subjects—Regulations on Research Involving Those Institutionalized as Mentally Disabled	Final	Policy Significant	National Research Act (P.L. 93-348)	Statute specifically requires appropriate administrative action by the Sec. The Sec. has decided to issue regulations.	Regulations provide additional protections for subjects of DHEW conducted or supported research involving those institutionalized as mentally disabled.	No	Mr. F. William Donnel Office for Protection from Research Risks, NIH, Westwood Bldg., Room 304, Bethesda, Md. 20205 (301) 496-7005
Protection of Human Subjects—Regulations Involving Children	Final	Policy Significant	National Research Act (P.L. 93-348)	Statute specifically requires appropriate administrative action by the Sec. The Sec. has decided to issue regulations	Regulations provide additional protections for subjects of DHEW conducted or supported research involving children	No	Mr. F. William Donnel, Office for Protection from Research Risks, Westwood Bldg., Room 304, Bethesda, Md. 20205 (301) 496-7005

NATIONAL INSTITUTES OF HEALTH
REGULATION AGENDA(Deletion)
*RA - Regulatory
Analysis (Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact:
PHS Regs. for NIH, NIAMDD - Grants for Comprehensive Centers	NPRM	Policy Significant	National Arthritis Act of 1974 (P.L. 93-640), National Diabetes Mellitus Research & Education Act (P.L. 93-354), Arthritis, Diabetes, & Digestive Disease Amendments of 1976 (P.L. 94-562)	The statute sets general policy. Major important implementing provisions need regulation.	This regulation covers grants by NIAMDD for the support of comprehensive centers for research, training, and information dissemination concerning (1) diabetes & (2) arthritis	No	(Arthritis) Dr. Steven Hausman, Special Assistant to Associate Director, NIAMDD, NIH, Westwood Bldg., Room 403, Bethesda, Md. 20205 (301) 496-7495 (Diabetes) Dr. Keatha Krueger, Special Diabetes Program Director, NIAMDD, NIH, Westwood Bldg., Room 622, Bethesda, Md. 20205 (301) 496-7418

OHMO/EBelue
June 1, 1979Office of Health Maintenance Organizations
Semi-annual Agenda of Regulations

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA ^{1/}	Contact
Subpart A - Requirements for a Health Maintenance Organization	NPRM (in clearance - to be issued as interim regulations)	Policy Significant	Title XIII of the Public Health Service Act, as amended	Law requires the development of regulations	Defines the health benefits, providers of health services, method of payment, organization and operation of the HMO, and special requirements with respect to titles XVIII & XIX members.	No	B. Earle Belue Regulations Office, OHMO, Park Building, Room 3-32, 12420 Parklawn Drive, Rockville, Md., 20857 301/463-6695
Subpart B - Federal Financial Assistance: General	NPRM (in clearance - to be issued as final regulations with comments)	do	do	do	Sets forth requirements for the award of grants, loans, & loan guarantees to public or nonprofit private entities (other than nonprofit private entities) for feasibility surveys, planning and initial development costs, and initial operation costs.	No	do

^{1/} RA - Regulatory analysis (Yes/No)

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
Subpart C - Grants for Feasibility Surveys	interim regulations (draft being revised)	Policy Significant	Title XIII of the Public Health Service Act, as amended	Law requires the development of regulations	Sets forth requirements for conducting surveys to determine the feasibility of developing and operating or expanding the operating of HMOs.	No	H. Earle Belue Regulations Office, OHMO, Park Building, Room 3-32, 12420 Parklawn Drive, Rockville, Md. 20857 301/443-4695
Subpart D - Grants and Loan Guarantees for Planning & for Initial Development Costs	interim regulations (draft being revised)	do	do	do	Sets forth requirements for planning and initial development projects or for significant expansion of the membership of, or areas served by qualified HMOs.	No	do
Subpart E - Loans & Loan Guarantees for Initial Operating Costs	interim regulations (draft being revised)	do	do	do	Sets forth requirements for the award of loans and loan guarantees for for initial operating costs of HMOs.	No	do
Subpart F - Qualification of Health Maintenance Organizations	interim regulations (draft being revised)	do	do	do	Sets forth requirements for determining whether an entity is a qualified HMO.	No	do

^{1/} RA - Regulatory analysis (Yes/No)

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>RA^{1/}</u>	<u>Contact</u>
Subpart G - Restrictive State Laws & Practices		Policy Significant	Title XIII of the Public Health Service Act, as amended	(Delete from agenda; Regulations published on 10/18/74 in final)	Sets forth requirements prohibiting States from establishing or enforcing any law which would prevent an entity from doing business as an HMO.	No	H. Earle Belue Regulations Office, OHMO, Park Building, 12420 Parklawn Drive, Rockville, Md. 20857 301/443-4695
Subpart H - Employees' Health Benefits Plans	interim regulations (in clearance - to be issued as an NPRM)	do	do	Law requires the development of regulations	Sets forth requirements for certain employers and States and political subdivisions of States to include in any health benefits plans offered to their employees the option of membership in qualified HMOs.	No	do
Subpart I - Continued Regulation of HMOs and Other Entities	final regulations (draft being revised)	do	do	do	Sets forth continued compliance requirements for qualified HMOs	No	do

^{1/} RA - Regulatory analysis (Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA ^{1/}	Contact
(New Regulations on training and technical assistance)	under development	Policy Significant	Title XIII of the Public Health Service Act, as amended	Law requires the development of regulations	To set forth requirements for the development of a training and technical assistance program	No	H. Earle Beise Regulations Office, OHMO, Park Building, Room 3-32, 12420 Parklawn Drive, Rockville, Md. 20857 301/443-4695
(New Regulations on Construction)	draft being revised	do	do	do	To set forth requirements for the award of loans to public and nonprofit HMOs and for the award of loan guarantees to private HMOs for the acquisition and construction of ambulatory health care facilities	No	do

^{1/} RA - Regulatory analysis (Yes/No)

OGCFM REGULATIONS AGENDA

6/5/79

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
<u>New Entries</u>							
Cost Allocation Plans for Public Assistance Programs.	NPRM	Technical	Sec. 1102, 49 Stat. 647; 42 USC 1302	Reassignment of approval authority for public assistance cost allocation plans within the Department. Need to clarify requirements on preparation of plans and amendments to plans.	The proposed regulation will revise existing regulations on the preparation, submission and approval of cost allocation plans used by States to compute claims under public assistance programs authorized by Social Security Act. Regulation will also cover submission of amendments to plans, requirements for adherence to plans in computing claims, and cost disallowance procedures.	No	Henry Kirschenmann Director, Office of Grant and Contract Financial Management HEW Room 544C, Humphrey Building 200 Independence Ave. S.W., Wash., D.C. 20201 (202) 755-7562
Cost Principles for Grants and Contracts with State and Local Governments, Educational Institutions, and other Non-Profit Organizations	Final	Technical	5 USC 301	Issuance of revised cost principles by OMB.	The regulation will incorporate revised OMB Circulars on cost principles for Federal grants and contracts with State and local governments and educational institutions. The regulation will also incorporate a soon-to-be-issued OMB Circular on cost principles for other non-profit organizations (excluding hospitals). The Circulars will be incorporated into the regulations verbatim.	No	Gary Talesnik Director, Policy Division, Office of Grant and Contract Financial Management HEW Room 544C, Humphrey Building 200 Independence Ave. S.W., Wash., D.C. 20201 (202) 755-7613

U.S. PUBLIC HEALTH SERVICE
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Title	Type	Classification	Statutory Base	Need to Regulate	Description	RA ¹	Contact
-------	------	----------------	----------------	------------------	-------------	-----------------	---------

NEW ENTRIES: NONE

*Continuation from the last agenda

U.S. PUBLIC HEALTH SERVICE
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Title	Type	Classification	Statutory Base	Need to Regulate	Description	RA ¹	Contact
Grants For Community Mental Health Centers	F	Policy Significant	P.L. 94-63 P.L. 95-83 P.L. 95-622	Required by statute	Establish requirements for grants & applications for grants under the CMHC Act. It includes requirements for the development, submission, and approval of State plans.	No	Lindsay Williams OPDA/NIMH 5600 Fishers Lane Rockville, Md. (301) 443-3175
Formula Grants for Drug Abuse Prevention Functions	F	Policy Significant	P.L. 92-255 Section 409	Required by statute	Authorizes formula grants to States to assist them in the preparation & admin. of plans for planning, establishing, conducting, & coordinating projects for the development of more effective drug abuse prevention functions in carrying out projects under and otherwise implementing the plans; and in evaluating the results of implementation plans.	No	Nancy Soulen OD/NIDA 5600 Fishers Lane Rockville, Md. (301) 443-1644
Grants to States for Alcohol Abuse and Alcoholism Prevention, Treatment, & Rehabilitation Services & National Alcohol Research Centers (Grants for Uniform Alcoholism and Intoxication Treatment Act)		Policy Significant	P.L. 94-371 Section 310	Required by statute	Authorizes special grants to States which have adopted the basic provisions of the Uniform Alcoholism & Intoxication Treatment Act. The Uniform Act requires that alcoholism be viewed as an illness to be treated by community health & social service agencies and that public intoxication be approached as a public health problem rather than a crime.	No	Susan Farrell Legislative Services NIAAA 5600 Fishers Lane Rockville, Md. (301) 443-3887

*Changed status

U.S. PUBLIC HEALTH SERVICE

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Title	Type	Classification	Statutory Base	Need to Regulate	Description	RA ^{1/}	Contact
Grants to States for Alcohol Abuse & Alcoholism Prevention, Treatment & Rehabilitation Services & National Alcohol Research Centers (interdisciplinary research grants)	IF	Policy Significant	P.L. 95-26 & P.L. 94-371	Required by statute	Authorizes the designation of National Alcohol Research Centers for the purpose of long-term interdisciplinary research into alcoholism & other alcohol problems and to make grants to such Centers (not to exceed \$1,000,000 to any one Center in a year).	No	Susan Farrell Legislative Services NTAAA 5600 Fishers Lane Rockville, MD (301) 443-3887

NOTE: Published on Friday, March 23, 1979

CENTER FOR DISEASE CONTROL

REGULATIONS AGENDA - NEW ENTRIES

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA*	Contact
Health Incentive Grants for Comprehensive Public Health Services (42 CFR Part 51)	NPRM	Policy significant	Sec. 314(d) of the Public Health Service Act.	To implement changes made by Public Law 95-626.	Establishes requirements for health incentive grants to States to assist them in providing comprehensive public health services.	No	Mr. Dennis Tolama, Office of the Center Director, Center for Disease Control, 1600 Clifton Rd., NE, Atlanta, GA 30333, 404-329-3243, or FTS: 236-3243.
Formula Grants to States for Preventive Health Service Programs (42 CFR Ch. I)	NPRM	Policy significant	Sec. 315 of the Public Health Service Act.	To implement Sec. 203 of Public Law 95-626 which established a new Sec. 315 of the PHS Act.	Establishes requirements for formula grants to assist States in planning and developing preventive health service programs.	No	Mr. Dennis Tolama, Office of the Center Director, Center for Disease Control, 1600 Clifton Rd., NE, Atlanta, GA 30333, 404-329-3243, or FTS: 236-3243.
Grants for Preventive Health Services (previously titled Grants for Disease Control); Grants for Research, Demonstrations, and Public Information and Education for Prevention and Control of Venereal Diseases (42 CFR Part 51b)	NPRM	Technical	Sec. 318 of the Public Health Service Act.	To implement changes made by Public Law 95-626.	Establishes requirements for research, demonstrations, and public information and education grants for the prevention and control of venereal diseases.	No	Paul J. Wiesner, M.D., Director, Venereal Disease Control Division, Bureau of State Services, Center for Disease Control, 1600 Clifton Rd., NE, Atlanta, GA 30333, 404-329-3343, or FTS: 236-3343.
*Regulatory Analysis (Yes/No)							

CENTER FOR DISEASE CONTROL

REGULATIONS AGENDA - NEW ENTRIES

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA*	Contact
Foreign Quarantine: Importation of Certain Things—Dogs and Cats (42 CFR Part 71)	NPRM	Technical	Sec. 361 of the Public Health Service Act.	To implement revised requirements for importing dogs and cats into the U.S. to conform to currently accepted health practices and to provide flexibility to cope with the frequent changes in available animal rabies vaccines.	Modifies requirements for importation of dogs and cats into the U.S. by (1) eliminating inspection requirements for wild dogs and wild cats, and vaccination requirements for wild dogs; (2) prescribing currently available vaccines; and (3) allowing domestic dogs requiring vaccination to be vaccinated at their destination rather than at the port of entry.	No	Mr. Joseph F. Ciardano, Director, Quarantine Division, Bureau of Epidemiology, Center for Disease Control, 1600 Clifton Rd., NE, Atlanta, GA 30333, 404-329-3674, or FTS: 236-3674.
Clinical Laboratories: Personnel Standards (42 CFR Part 74, Subpart D)	NPRM	Policy significant	Sec. 353 of the Public Health Service Act; and Sec. 1861 of the Social Security Act.	To implement legislative requirements for establishing personnel standards in clinical laboratories licensed or certified by the Department.	Update proposed personnel standards to reflect scientific and technical advances made during the past ten years and proposes a less burdensome regulatory structure.	No	Dr. Louis C. LaMotte, Director, Licensure and Proficiency Testing Division, Bureau of Laboratories, Center for Disease Control, 1600 Clifton Rd., NE, Atlanta, GA 30333, 404-329-3824, or FTS: 236-3824.
*Regulatory Analysis (Yes/No)							

CENTER FOR DISEASE CONTROL

REGULATIONS AGENDA - CONTINUATION

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA*	Contact
Grants for Preventive Health Services (previously titled Grants for Disease Control) (42 CFR Part 51b)	Final	Technical	Secs. 317 and 318 of the Public Health Service Act.	To implement changes made by several public laws enacted since the existing regulations were issued.	Revises requirements for grants to State and local health agencies to assist them in meeting costs of preventive health services.	No	Windell R. Bradford, Associate Director, Bureau of State Services, Center for Disease Control, 1600 Clifton Rd., NE, Atlanta, GA 30333, 404-329-3773 or FTS: 236-3773.
*Regulatory Analysis (Yes/No)							

CENTER FOR DISEASE CONTROL

REGULATIONS AGENDA - CHANGED STATUS

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA*	Contact
Grants for Advancement of Health in Coal Mining (42 CFR Part 55); Requests for Health Hazard Evaluations (42 CFR Part 85); and Occupational Safety and Health Investigations of Places of Employment (42 CFR Part 85a)	Final (NPRM published in 43 FR 56918, 12/5/78)	Technical	Federal Mine Safety and Health Act of 1977.	To implement changes in NIOSH research responsibilities under the Federal Mine Safety and Health Act of 1977.	Amends existing regulations to reflect research responsibilities given to the National Institute for Occupational Safety and Health, Center for Disease Control, under the Federal Mine Safety and Health Act of 1977.	No	Ms. Mary Flint, Regulations Specialist, National Institute for Occupational Safety and Health, Center for Disease Control, 5600 Fishers Lane, Room 8-11, Rockville, MD 20857, 301-443-3745.
Foreign Quarantine: Disinsection of Aircraft (42 CFR Part 71)	Final (NPRM published in 44 FR 18536, 3/28/79)	Technical	Sec. 361 of the Public Health Service Act.	To implement improved procedural changes for disinsecting aircraft.	Eliminates the requirement for routine disinsecting of aircraft on certain international flights landing*at airports under U.S. control.	No	Mr. Joseph F. Giordano, Director, Quarantine Division, Bureau of Epidemiology, Center for Disease Control, 1600 Clifton Rd., NE, Atlanta, GA 30333, 404-329-3674, or FTS: 236-3674.

*Regulatory Analysis (Yes/No)

PUBLIC HEALTH SERVICE

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Title	Type	Classification	Statutory Base	Need to Regulate	Description	RA ^{1/}	Contact
Consolidation of Grants to the Insular Areas (42 CFR Part 50)	F	Technical	Title V PL 95-134	Required by Statute	Provides authority to consolidate into a single grant funding in the insular areas	No	Theodore J. Roumel Chief, Grants Management Branch Parklawn Building Room 18A-03 5600 Fishers Lane Rockville, Md. 20857 301/443-1874
Debarment and Suspension from Eligibility for Financial Assistance (45 CFR Part 76)	F	Policy Significant	-	Department has decided regulations are needed to implement this policy	Permits the debarment of organizations and individuals from eligibility to receive a grant or other form of financial assistance from HEW	No	William G. Ketterer Senior Attorney National Institutes of Health Room 2B-50, Bldg. 31 9000 Rockville Pike Bethesda, Md. 20014 301/496-6043
Grants for Adolescent Pregnancy Prevention and Services Projects	F	Policy Significant	Title VI PL 95-626	Required by Statute	Establishes a program of grants to be made to public and private non-profit entities to assist them in operating projects to provide needed comprehensive community services	No	Dr. Lulu Mae Nix, Director Office of Adolescent Pregnancy Programs Office of the Assistant Secretary for Health HEW, Room 725-H 200 Independence Ave. S.W. Washington, D.C. 20201

HCFA REGULATION AGENDA
New Entries

*RA=Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Substantive Recodification; Safeguarding of Information	NPRM	Policy Significant	Sec. 1902(a)(7) of the Social Security Act.	The Department is considering changes in policy and is requesting public comments on proposals.	The proposal would amend the requirements that a State must provide safeguards that restrict the use or disclosure of information concerning applicants and recipients.	No	Barbara Stultz, HCFA, Rm. 2618 330 C Street, S.W., Washington, D.C. 20201, 202-245-0722
Substantive Recodification; Fair Hearings	NPRM	Policy Significant	Sec. 1902(a)(3) of the Social Security Act.	The Department is considering changes in policy and is requesting public comments on proposals.	The proposal would amend the requirements for providing an opportunity for a fair hearing to any person whose claim for medical assistance is denied or not acted upon promptly.	No	Eileen Brooks, HCFA, Rm. 2618 330 C Street, S.W., Washington, D.C., 20201, 202-245-0722
Substantive Recodification; Administrative Provisions - Medicaid	NPRM	Policy Significant	Secs. 1902(a)(1), (2), (4)(5), (23) and Sec. 1102 of the Act.	The Department is considering changes in policy and is requesting public comments on proposals.	The proposal would amend the requirements for designation and certification of the Medicaid agency; requirements for agency reports, records, and manuals; and requirements for personnel administration and fiscal administration.	No	Eileen Brooks, HCFA, Rm. 2618 330 C Street, S.W., Washington, D.C., 20201, 202-245-0722

HCFA REGULATION AGENDA
New Entries

*RA=Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Substantive Recodification; Application, Determination of Eligibility and Furnishing Medical Assistance	NPRM	Policy significant	Sec. 1902(a)(8) of the Social Security Act.	Existing regulations need to be revised, recodified, simplified, clarified & reorganized. The revision will include review of substantive policies.	The proposal would amend the requirements for processing applications, determining eligibility and furnishing medical assistance.	No	Betsy Matheson, HCFA, Rm. 2618, Switzer Bldg., 330 C St., S.W., Washington, D.C., 20201, 202- 245-0722
Corrections to Redesignation and Rewrite of Medicaid Regulations	Revised Final	Technical	Sec. 1102 of the Social Security Act.	Technical corrections are needed to current regulations.	These amendments will make technical corrections to the Medicaid regulations that were rewritten and redesignated on September 29, 1978.	No	Margaret Schmoor, HCFA, 2618, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201 202-245-0722

HCFA REGULATION AGENDA
New Entries

*RA=Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Reimbursement of Federally Funded Health Centers	Final	Policy Significant	Secs. 1102, 1813, 1862(a)(3), and 1871 of the Social Security Act.	Department has set new policy that requires modified regulations.	These regulations set forth the rules governing reimbursement under Medicare for services covered under the Supplementary Medical Insurance Program that are furnished by federally funded health centers.	No	Marinos T. Svolos HCFA Room 106, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9315
Special Care Units	Final	Policy Significant	Secs. 1102, 1814(b), 1861(v), and 1871 of the Social Security Act.	Department has set new policy that requires modified regulations.	These regulations refine the definition of hospital special care units and clarify the requirements for their reimbursement under the Medicare program.	No	William Goeller HCFA Room 405, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9870

HCFA REGULATION AGENDA
New Entries

*RA=Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Termination of FFF: Facilities Appealing Termination of Agreements	NPRM	Policy significant	Sec. 1102 of the Social Security Act.	Department is considering changes in policy and is requesting public comment on proposal.	The proposed regulations would establish guidelines for terminating Federal financial participation for a facility that is appealing a termination of a provider agreement.	No	James Conrad, Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21235. 301-594-7940
Nursing Home Provider Agreements: Effective Date; Effect of change in ownership	Final	Policy Significant	Secs. 1102, 1866, 1902, and 1910 of the Social Security Act.	Department has set new policy that requires modified regulations.	These regulations will make Medicare and Medicaid rules identical on (1) the beginning effective dates of nursing home provider agreements and (2) the effect of a change in ownership on the continuation of Federal payments to nursing homes.	No	James Conrad Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-7940
Time Period for Completion of Medicaid Quality Control Reviews	NPRM	Technical	Sec. 1102 of the Social Security Act.	Department is considering changes in policy and has requested public comments on proposal.	The regulation would specify time requirements for State completion of reviews of the cases in the Medicaid quality control monthly samples. The regulations would also require a monthly report on eligibility and payment error findings.	No	Carlton Stockton HCFA Room 3614, Switzer Building 330 C St., S.W. Washington, D.C., 20201, 202-472-3796
Medicaid Management Information Systems (MMIS)	Final	Technical	Secs. 1102, 1902 (a)(4) and 1901 (a)(3) of the	The Department has set new policy that requires new or modified regulations	The regulations will add flexibility to the requirements under Medicaid (title XIX of the Social Security Act) for mechanized claims processing and information retrieval systems.	No	Don Baker HCFA Switzer Bldg., 330 C St., S.W., Washington D.C., 20201, 202/245-8913

HCFA REGULATION AGENDA
New Entries

*RA=Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Physician Reimbursement and Assignment	NPRM	Policy Significant	Secs. 1102 and 1871 of the Social Security Act.	Department is considering setting new policy that requires modified regulations and is requesting public comment.	This regulation would propose changes in the current Medicare policy on assignment and reimbursement of physicians.	No	Harold Fishman HCFA Room 181, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9764

HCFA REGULATION AGENDA
Continuation from Last Agenda

*RA=Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Recodification of Medicare Regulations Dealing With Hospital Insurance Entitlement, Deductible and Co-insurance Requirements	NPRM	Technical	Secs. 1811, 1812, and 1813 of the Social Security Act.	Department is revising regulations to make them clear, simple and up to date.	This regulation would propose to clarify, simplify and update existing regulations pertaining to (1) entitlement to Medicare hospital insurance for certain groups and (2) the Medicare inpatient hospital coinsurance, the post-hospital extended care coinsurance, and the blood deductible.	No	Stanley Katz HCFA Room 127, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9319
Prospective Reimbursement of Rural Health Clinic Services	NPRM	Policy Significant	Secs. 1833(a)(3), 1861(v)(1)(A), and 1902(a)(13) of the Social Security Act.	Department is considering setting new policy that requires modified regulations and is requesting public comment.	This regulation would propose a prospective payment method for reimbursement of rural health clinic services under Medicaid and Medicare.	No	Medicare Marinos Svolos HCFA Room 106, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-9315 Medicaid Milton Dezube HCFA Room 2628, Switzer Building, 330 C Street, S.W. Washington, D.C. 20201 202-245-8990

HCFA REGULATION AGENDA
Continuation from Last Agenda*RA-Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Payment for Services of Physicians in Teaching Hospitals, for Physician Costs to Hospitals and Medical Schools and for Volunteer Services	NPRM	Policy Significant	Secs. 1862(b)(3) and 1861(b)(7)(A) of the Social Security Act.	Law specifically requires regulation.	This regulation proposes criteria under which Medicare would pay reasonable charges for physician services in teaching hospitals or would reimburse teaching hospitals for the reasonable costs of physician services. It would also specify the manner and extent to which payments would be made for certain medical school costs and for services of volunteer physicians.	No	Paul Riesel HCFA Room 190, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9595
Prohibition Against Assignment of Claims	Final	Policy Significant	Secs. 1102, 1814, 1815, 1835, 1870, and 1871 of the Social Security Act.	Changes in law specifically require regulations.	This regulation specifies criteria and procedures to prohibit providers, physicians, and other suppliers, with certain exceptions, from assigning claims for reimbursement of services to other persons for collection. It also imposes administrative sanctions against providers, physicians, and suppliers who violate this prohibition.	No	John B. Russell HCFA, Room 1-11-5, Low Rise Building 6401 Security Boulevard Baltimore, Md. 21235 301-594-8260

HCFA REGULATION AGENDA
Continuation from Last Agenda*RA-Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Organization and Functions of End Stage Renal Disease (ESRD) Networks	NPRM	Policy Significant	Secs. 226, 1102, 1871, and 1881 of the Social Security Act.	Changes in law require implementing instructions.	The proposed regulation would require that networks establish goals to maximize use of self-dialysis and kidney transplantations and that there be at least one patient representative on each network coordinating council and executive committee. It would also require networks to submit annual reports; ESRD facilities to make individual patient information available to their network medical review boards upon request; and that network meetings be advertised and open to the public.	No	Ray Brown HCFA Room 300, East Low Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9029
Incentive Reimbursement for End Stage Renal Disease (ESRD) Services	NPRM	Policy Significant	Secs. 1102, 1814(b), 1833, 1861(v)(1), 1871, and 1881 of the Social Security Act.	Law in general terms; implementing instructions needed.	The regulation would propose methods and procedures for reimbursing providers and facilities for outpatient renal dialysis services provided to ESRD patients.	No	Hugh McConville HCFA Room 400, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9682

HCFA REGULATION AGENDA
Continuation from Last Agenda

*RA Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Reimbursement: Internship and Residency Programs	NPRM	Policy Significant	Secs. 1102, 1814(b), and 1833(a)(2) of the Social Security Act.	Department is considering change in policy and is requesting public comment on proposal.	This regulation would propose to eliminate the requirement that a provider's costs be reduced by the amounts of certain grants and donations when calculating the reimbursement allowed under Medicare, Medicaid or the Maternal and Child Health Program. These grants and donations are those which support approved internship and residency programs in family practice, general medicine, and general pediatrics.	No	Paul Bowers HCFA Room 455, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9370
Membership on Carrier Boards	NPRM	Policy Significant	Secs. 1102, 1816(b), 1842 (f)(1), 1871, and 1902(a)(4) of the Social Security Act.	Department is considering change in policy and is requesting public comments on proposals.	The proposed regulations would limit the number of physicians or other persons with financial interest on the boards of directors of fiscal intermediaries and carriers to eliminate potential conflicts of interest.	No	Marty Kappert HCFA Room 256, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-8003

HCFA REGULATION AGENDA
Continuation from Last Agenda

*RA Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Cost to Related Organizations: Shared Services	Final	Policy Significant	Sec. 1861(v)(1)(A) of the Social Security Act.	Department has set new policy that requires modified regulations.	The regulation limits the amount a provider may be reimbursed on the basis of charges when it obtains services, facilities, and supplies from an organization related to the provider by common ownership or control.	No	Bruce Oliver HCFA Room 440, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-8224
Fiscal Intermediaries: Nominations, Contracts, Evaluations, and Notices	Final	Policy Significant	Secs. 1102, 1816, 1842, 1961(u), 1971, and 1975 of the Social Security Act.	Changes in law specifically require regulations.	These regulations recodify existing regulations dealing with contracts between the Secretary and Medicare fiscal intermediaries. They also specify standards, criteria, and procedures for determining the efficiency and effectiveness of those intermediaries and for assigning providers to intermediaries.	No	Vincent A. Acquisto HCFA Room 250, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9415
Revocation of Electrical Requirements	Final	Technical	Sec. 226(g) of the Social Security Act.	Department has set new policy that requires modified regulations.	This regulation revokes requirements for emergency generators and ground fault interrupters in freestanding end-stage renal disease centers because they have proven unnecessary.	No	Robert Moore Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-9736

HCFA REGULATION AGENDA
Continuation from Last Agenda

*RA=Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Conditions for Participation: Skilled Nursing Facilities and Intermediate Care Facilities	NPRM	Policy Significant	Secs. 1102, 1814, 1832, 1833, 1842, 1861, 1862, 1863, 1865, 1866, 1870 and 1871 of the Social Security Act.	Department is considering major changes in policy and is requesting public comment.	The proposed regulations would recodify, revise, and consolidate present regulations governing conditions of participation of skilled nursing and intermediate care facilities under the Medicaid and Medicare programs.	**	J. Richard Lenehan, Jr. Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-7651
Waiver of Liability	NPRM	Policy Significant	Sec. 1158 of the Social Security Act.	Law in general terms; implementing instructions needed.	This regulation would propose criteria for determining when a patient or provider would not be held liable for knowing that the services were medically unnecessary or otherwise inappropriate before the services have been disapproved by PSRO's for Medicare and Medicaid payments	No	Jane Tebbutt, Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-3980
Professional Standards Review Organizations (PSRO's) Sanctions on Providers and Practitioners	Final	Policy Significant	Sec. 1160 of the Social Security Act.	Law in general terms; implementing instructions needed.	This regulation specifies criteria for invoking sanctions against a health care practitioner or provider who claims payment for services which are medically unnecessary or inappropriate, do not meet professionally recognized standards, or are not adequately documented as to medical necessity or quality.	No	Tony Tirone, Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-1814

** Under consideration

HCFA REGULATION AGENDA
Continuation from Last Agenda

*RA=Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Conditions of Participation for Hospitals under the Medicare and Medicaid Programs	NPRM	Policy Significant	Sec. 1861(e)(9) of the Social Security Act.	Department is considering significant changes in policy and is requesting public comment on proposals.	This regulation would propose revised conditions for participation in Medicare and Medicaid for hospitals. It would simplify the language and update the requirements to reflect changes in legislation and advances in technology.	No	Janet Harryman, Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-9712
Separate Cost Entities and Distinct Parts	NPRM	Policy Significant	Sec. 1861(e), (f), (g), and (j) of the Social Security Act.	Department is considering changes in policy and is requesting comments on proposals.	This regulation would propose conditions under which a component which provides typically unskilled care within a hospital may be certified as a provider distinct from the hospital.	No	James Conrad Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-7940
Payment of Injections and Negotiated Rates for Laboratory Services	NPRM	Policy Significant	Secs. 1833(a)(1)(D) and 1833(b) of the Social Security Act.	Law specifically requires regulation	This regulation sets a reasonable charge for injection services and for certain diagnostic laboratory tests	No	Paul Riesel HCFA 190 East High Rise Bldg. 6401 Security Blvd. Baltimore, Md. 21235 301-594-9595

HCFA REGULATION AGENDA
Continuation from Last Agenda

*RA-Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Uniform Reporting of Costs and Utilization of Services: Skilled Nursing & Intermediate Care Facilities, Home Health Agencies and Health Maintenance Organizations	NPRM	Policy significant	Secs. 1121, 1861, and 1902 of the Social Security Act.	Changes in law require implementing instructions.	Two regulations will propose uniform systems that skilled nursing and intermediate care facilities, home health agencies, and health maintenance organizations that participate in the Medicaid or Medicare program must use to report cost of operation, volume of services, and capital assets.	**	James M. Kaple, HCFA, Room 5074, Switzer Bldg., 330 C Street, S.W., Washington, D.C. 20201 202-245-0697
Uniform Reporting of Discharge and Bill Data and Reimbursement Rates: Health, Services, Facilities and Organizations	NPRM	Policy significant	Secs. 1121, 1861, and 1902 of the Social Security Act.	Changes in law require implementing instructions.	Three regulations will propose uniform systems that hospitals, skilled nursing & intermediate care facilities, home health agencies, and health maintenance organizations that participate in the Medicaid or Medicare program must use to report reimbursement rates and discharge and bill data.	**	James M. Kaple, HCFA, Room 5074, Switzer Building, 330 C St., S.W., Washington, D.C. 20201, 202-245-0697
							** Under consideration

HCFA REGULATION AGENDA
Continuation from Last Agenda

*RA-Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Assignment of Benefits; Collection of Medical Support Payments	Final	Policy Significant	Sec. 1912 of the Social Security Act.	Changes in law require implementing instructions.	These regulations specify new procedures (1) allowing States to require Medicaid recipients to assign their right to private insurance payments or other medical support to the States; (2) authorizing child support enforcement agencies to assist in collection of medical support; and (3) prohibiting Federal payment to any Medicaid recipient who is covered by a private health insurance policy having a Medicaid exclusion clause.	No	Arthur Muller HCFA, Room 2065, Switzer Bldg., 330 C Street, S.W., Washington, D.C. 20201, 202-245-0384
Medicaid Quality Control System: Expansion of Information Requirements	Revised Final	Technical	Secs. 1102 and 1902(a)(4) of the Social Security Act.	Technical changes needed to clarify current regulations.	These regulations more accurately describe the components of the Medicaid quality control program by improving several definitions correcting printing errors, in the March 31, 1978 publication, and clarifying sampling and reporting requirements and a recipient's rights policy.	No	Charlotte Williams HCFA, Room 3622, 330 C Street, S.W., Washington, D.C. 20201, 202-472-3776

HCFA REGULATION AGENDA
Continuation from Last Agenda

*RA=Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Sprinkler Systems for Long Term Care Facilities	NPRM	Policy Significant	Sec. 1102 of the Social Security Act.	Department is considering changes in policy and is requesting public comments.	The regulation would propose requirements for fire extinguishment systems in skilled nursing and intermediate care facilities.	No	Janice Caldwell Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-3642
Utilization Review	NPRM	Policy Significant	Sec. 1903(g)(1)(C) of the Social Security Act.	Law in general terms; implementing instructions needed.	The regulations would propose revised requirements and procedures for utilization review in health care institutions participating in Medicare and Medicaid programs. These regulations would provide for review of the medical necessity of admissions and continued stays, the appropriateness and quality of patient care, and the effectiveness of utilization of facility and health professional services.	No	Jane Tehbutt, Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-3980
Safeguards for Patient Funds	Final	Policy Significant	Sec. 1861(j)(14) of the Social Security Act.	Changes in law require implementing instructions.	This regulation expands standards for protection of personal funds of Medicare and Medicaid patients in skilled nursing facilities and intermediate care facilities.	No	Marshall Kapp Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-3314

HCFA REGULATION AGENDA
Continuation From Last Agenda

*RA=Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
State Residency Requirements for Medicaid	Final	Policy Significant	Sec. 1102 of the Social Security Act.	Department has set new policy that requires modified regulations.	This regulation establishes criteria for determining State residency of applicants and recipients under the Medicaid programs.	No	Elizabeth Barnes HCFA, Room 2625, Switzer Bldg., 330 C Street, S.W., Washington, D.C., 20201 245-0534
General Contract Requirements for Medicaid	NPRM	Policy Significant	Secs. 1102 and 1902(a)(4) of the Social Security Act.	Law in general terms; implementing instructions needed.	This regulation proposes requirements to strengthen protections against questions on contract practices and possible program abuse and to remedy ambiguities and omissions in existing regulations.	No	Richard Davison HCFA, Room 4317, Switzer Building 330 C Street, S.W., Washington, D.C. 20201 245-1590
Family Planning	Final with comment period	Policy Significant	Secs. 1903(a)(5) and 1905(a)(4)(C) of the Social Security Act.	Department has set new policy that requires new or modified regulations.	This regulation specifies Federal requirements for provision of family planning services under Medicaid. It also specifies types and ranges of services that may be included by the States.	No	Margaret Schnoor HCFA, Room 2618, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201 202-245-0722
Medicaid Utilization Control	Final	Policy Significant	Secs. 1102 and 1903(g) of the Social Security Act.	Changes in law specifically require regulation.	This regulation specifies requirements for control over the utilization of inpatient institutional services in the Medicaid program. The regulation also specifies requirements States must meet to avoid reduced Federal matching; the content of quarterly reports; and the methods for making reductions of Federal matching.	No	Thil Otto HCFA, Room 3513 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201 202-472-6551

HCFR REGULATION AGENDA

*RA-Regulatory Analysis (Yes/No)

Title	Stage of Development	Classification	Statutory Base	Continuation from Last Agenda		RA	Contact
				Need to Regulate	Description		
Fraud in the Medical Assistance Program—Verification of Services	NPRM	Policy significant	Secs. 1861(k), 1902(a)(30), 1903(g)(1)(C), and 1903(i)(4) of the Social Security Act.	Department is considering new policy and is requesting public comment on proposals.	This regulation would require all States to implement a written verification of services program with Medicaid recipients in order to improve the capability to detect and deter fraud and abuse.	No	Irwin Cohen HCFA Rm 588 East High Rise, 6401 Security Blvd., Baltimore, Maryland 21234, 301-594-5415
Withholding Payments to Providers of Services and other Suppliers of Services	NPRM	Policy significant	Secs. 1102 & 1871 of the Social Security Act.	The Department is considering new policy & is requesting public comments on proposals.	This regulation would clarify due process procedures that must be followed when payments to providers, physicians, and suppliers of services under the Medicare program are withheld because of suspected fraud or willful misrepresentation.	No	Anthony Lovecchio HCFA Room 532 East High Rise Bldg. 6401 Security Blvd., Baltimore, Md., 21235 301-594-9588
Procedures for Recovery of Payments and Sanctions: Medicaid Services	NPRM	Policy significant	Secs. 1102, 1902(a)(4)(A), and 1902(a)(30) of the Social Security Act.	The Department is considering new policy and is requesting public comments on proposals.	This regulation would set forth State plan requirements for States to establish mechanisms for recovery of overpayments in the case of fraud or abuse under the Medicaid program.	No	Irwin Cohen HCFA Room 588 East High Rise Bldg. 6401 Security Blvd. Baltimore, Md. 21235 301-594-5415
Provider Reimbursement Determinations and Appeals (revised title)***	NPRM	Policy Significant	Secs. 1102, 1861(v)(1)(A)(1), and 1878(f)(1) of the Social Security Act.	Law in general terms; implementing instructions needed.	This regulation would propose criteria for reopening certain provider cost reimbursement determinations. It would also propose procedures for final review of Provider Reimbursement Review Board (PRRB) decisions.	No	Mendel S. Kaufman HCFA Room 127 East High Rise 6401 Security Boulevard Baltimore, Md. 21235 301-594-9232 Erica L. Gonnell HCFA Room G-50, Altmeyer Building, 6401 Security Baltimore, Md. 21235 301-594-5132

***Incorporates items from previous agenda entitled "Review of Provider Reimbursement Board Decisions" and "Reopening and Revising Claims Determinations under the Medicare Program."

HCFR REGULATION AGENDA

*RA-Regulatory Analysis (Yes/No)

Continuation from Last Agenda

Title	Stage of Development	Classification	Statutory Base	Continuation from Last Agenda		RA	Contact
				Need to Regulate	Description		
Technical Amendments: Chiropractors, Physical Therapists, and Speech Pathologist	Final with comment period	Technical	Secs. 1861(r) and 1861(s) of the Social Security Act.	Department is considering new policy and is requesting public comment on the regulation.	The regulations would conform definitions of physical therapist assistant and speech pathologist to other related regulations; clarify requirements for outpatient physical therapy and speech pathology services provided at a home health agency; and provide independent physical therapists and chiropractors the same appeal procedures currently available to other providers.	No	Stefan Miller Health Standards and Quality Bureau, HCFA, Room 349 East High Rise Building 6401 Security Boulevard Baltimore, Md. 21235 301-594-9746

HCA REGULATION AGENDA

HCA Regulatory Analysis

Changed Status

(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	HCA	Contact
Validation of Accreditation Surveys of Hospitals	Final (NPRM published 4/27/79)	Policy Significant	Secs. 1102, 1861(b), 1865, and 1871 of the Social Security Act.	Department has set new policy that requires modified regulations.	The regulation authorizes surveys to validate whether Medicare hospitals that have been accredited by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association are meeting the specific Medicare statutory and regulatory conditions for participation.	No	Janet Barryman, Health Standards and Quality Bureau HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-9712
Professional Standards Review Organization (PSRO) Review of Intermediate Care Facilities	Final (NPRM published 2/14/79)	Policy Significant	Sec. 1159(a) of the Social Security Act.	Changes in law require implementing instructions.	These regulations set forth conditions under which PSRO's will assume responsibility from State Medicaid agencies for reviewing the quality and necessity of health care services provided in intermediate care facilities and intermediate care facilities for the mentally retarded.	No	Jane Tebbutt Health Standards and Quality Bureau, HCFA, Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Md. 21207 301-594-1980
Intermediate Care Facilities/Skilled Nursing Facilities Reimbursement Revisions	Final (NPRM published 4/18/79)	Policy significant	Sec. 1102 of the Social Security Act.	Law in general terms implementing instructions needed.	This regulation will clarify and expand requirements for State methods of payment for skilled nursing and intermediate care facility services under State Medicaid programs.	No	Milton Desube HCFA Room 2631, Switzer Bldg. 330 C Street, S.W. Washington, D.C. 20201 202-245-8990
Redesignation of Medicaid Administrative Requirements	Final (Final with comment period published 3/23/79)	Technical	Sec. 1102 of the Social Security Act.	Redesignation needed to implement organizational changes.	Certain administrative requirements for the Medicaid program renumbered to 42 CFR Chapter IV, Subchapter C, on March 23, 1979, are being amended to reflect public comments received.	No	Margaret Schnoor HCFA Room 2618, Switzer Bldg., 330 C Street, S.W., Washington, D.C. 20201 202-245-0722

HCA REGULATION AGENDA

HCA Regulatory Analysis

Changed Status

(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	HCA	Contact
Beneficiary Liability for Items or Services Excluded from Medicare Coverage	Final (NPRM published 12/7/78)	Technical	Sec. 1879 of the Social Security Act	Department has set new policy that requires modified regulations.	This regulation clarifies that a beneficiary cannot be found liable for certain non-covered items or services if he has not been notified in writing that the items or services in question are excluded from Medicare coverage.	No	Mendel S. Kaufman HCFA Room 127, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9232
Definition of Radiological Services	Final (NPRM published 1/15/79)	Policy Significant	Sec. 1813(a)(1)(B) of the Social Security Act	Department has set new policy that requires modified regulations.	This regulation broadens the scope of the radiology services for which Medicare will reimburse at 100 percent of reasonable charges.	No	Paul Riesel HCFA Room 190, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9595
Reimbursement-Prepaid Health Plans	NPRM (Final stage was erroneously cited.)	Policy Significant	Secs. 1802 and 1813(a)(1)(A) of the Social Security Act.	Law specifically requires regulations.	This regulation would establish qualifying conditions and principles of reimbursement for health care prepayment plans, other than health maintenance organizations, which elect to receive reimbursement under the Medicare Supplementary Medical Insurance Program.	No	Marion F. Svolos HCFA Room 106, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9315
Payments for Foreign Hospitals for Inpatient Services	Final (NPRM published 1/12/79)	Technical	Secs. 1814(f)(3) and (4) and 1861(v) of the Social Security Act.	Department has set new policy that requires modified regulations.	This regulation sets forth procedures and criteria for Medicare payments for covered inpatient services furnished to beneficiaries by foreign hospitals.	No	Hugh J. McConville HCFA Room 412, East High Rise Building 6401 Security Boulevard Baltimore, Md. 21235 301-594-9430

HCFA REGULATION AGENDA

*RA-Regulatory Analysis
(Yes/No)

Changed Status

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Durable Medical Equipment	Final (NPRM published 12/14/78)	Policy Significant	Sec. 1833(f) of the Social Security Act.	Changes in law specifically require regulation	This regulation specifies criteria for requiring purchase (on a lease purchase or other basis) of an item of durable medical equipment when purchase would be less costly or more practical than rental. Procedures are proposed for waiving the purchase requirement and coinsurance in specific circumstances.	No	Paul Riesel HCFA Room 190, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9595
Cost to Related Organizations	Final (NPRM published 1/26/79)	Policy Significant	Secs. 1102 and 1861(v)(1)(A) of the Social Security Act.	Department has set new policy that requires modified regulations.	These regulations clarify existing policy on Medicare reimbursement for services, facilities, and supplies furnished to a provider of services by an organization related to a provider by common ownership or control. They also codify policy now in program instructions in manuals.	No	Bruce Oliver HCFA Room 440, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-8224
Hearing Aid and Eyeglass Reimbursement	Final (NPRM published 5/25/79)	Policy Significant	Sec. 1102 of the Social Security Act.	Department has set new policy that requires modified regulations.	The regulations will require Medicaid agencies to establish an acquisition cost (AC) program, a volume purchase plan (VPP), or some combination of both as a method of purchasing eyeglasses and hearing aids for Medicaid recipients. The regulations will also set conditions for purchase of hearing aids by Medicaid agencies.	No	Henry Spiegelblatt HCFA, Room 2094-A, Switzer Bldg. 330 C Street, S.W., Washington, D.C. 202-245-0384

HCFA REGULATION AGENDA

*RA-Regulatory Analysis
(Yes/No)

Changed Status

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Funding of Hospital Review by Professional Standards Review Organizations (PSRO's)	Final (NPRM published 5/7/79)	Policy Significant	Secs. 1168, 1815(b), and 1861 of the Social Security Act.	Law in general terms; implementing instructions needed.	This regulation sets forth a new method for reimbursing the cost of hospital reviews by PSRO's. It applies to review of hospital care provided to patients eligible under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children's Programs.	No	Daniel E. Nickelson Health Standards and Quality Bureau, HCFA, Room 5127, Switzer Bldg., 330 C Street, S.W., Washington, D.C. 20201 202-245-8717
Confidentiality and Disclosure of Information of Professional Standards Review Organizations (PSRO's)	Final (NPRM published 1/15/79)	Policy Significant	Sec. 1166(a) of the Social Security Act.	Law in general terms; implementing instructions needed.	These regulations set forth criteria governing the acquisition, protection, and disclosure of information obtained or generated by PSRO's.	No	Kathy Moss Health Standards and Quality Bureau, HCFA, Room 5327, Switzer Bldg., 330 C Street, S.W., Washington, D.C. 20201 202-245-2196
Professional Standards Review Organizations (PSRO's) Reconsiderations and Appeals	Final (NPRM published 3/4/79)	Policy Significant	Sec. 1159(a) of the Social Security Act.	Law in general terms; implementing instructions needed.	This regulation contains procedures for the reconsideration of the determination of PSRO's and the review of such reconsiderations by statewide professional standards review councils.	No	Alan Reider, Health Standards and Quality Bureau, HCFA, Bogwood East Building, 1849 Cuyunk Oak Avenue, Baltimore, Md. 21207 301-594-3980

HCFA REGULATION AGENDA
Changed Status*RA-Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Uniform Reporting Systems for Hospitals	Final (NPRM published 1/23/79)	Policy significant	Secs. 1121, 1861(v)(1)(F), and 1902(a)(4) of the Social Security Act.	Changes in law require implementing instructions.	The regulations require all hospitals that receive payments under the Medicare and Medicaid programs to report cost-related information, such as cost of operation, volume of services, and capital assets, in a prescribed uniform manner.	**	James M. Kaple, HCFA, Room 5074, Switzer, Bldg. 330 C St., S.W., Washington, D.C. 20201, 202-245-0697
							**Under consideration.

HCFA REGULATION AGENDA
Changed Status*RA-Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
End-Stage Renal Disease: Target Rate Reimbursement for Institutions Furnishing Home Dialysis Supplies, Equipment, and Support Services.	Final with Comment Period (Department has decided to waive NPRM.)	Policy Significant	Secs. 1814(b), 1833, 1861(v)(1), 1871 and 1881 of the Social Security Act.	Changes in law specifically require regulation.	The regulations would establish an optional target rate reimbursement method for providers and facilities approved to furnish home dialysis supplies and equipment, and home self-dialysis support services to Medicare patients.	No	Charles Hillen Medicare Bureau, HCFA Room 416, East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 301-594-9051

HCFA REGULATION AGENDA
DELETIONS*RA-Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Reason for Deletion	Description	*RA	Contact
Conformance with Professional Standards Review Organization (PSRO) Regulations	Final with comment period	Technical	Secs. 1152(e), 1154(b), 1155(a)(1), 1158, 1164, and 1165 of the Social Security Act.	Comments received in response to the final regulations (with comment period) do not warrant revision of regulations at this time. However, as we gain experience with implementation we will evaluate the need for further revision.	These regulations will conform Medicare rules to PSRO regulations which govern responsibilities of PSRO's for determining the medical necessity, quality, and appropriateness of health services for which payment may be made under Medicare.	No	Marion T. Svolos HCFA, Room 106, East High Rise Bldg. 6401 Security Blvd. Baltimore, Md. 21235 301-594-9314
Reasonable Charges Medical Supplies	Revised Final	Policy Significant	Secs. 1833(r) and 1862(b)(1) of the Social Security Act.	Comments received in response to the final regulations (with comment period) do not warrant revision of regulations at this time. However, as we gain experience with implementation we will evaluate the need for further revision.	This regulation limits reimbursement under the Medicare and Medicaid programs for medical services, supplies, and equipment that do not generally vary significantly in quality from 1 supplier to another. Payments will be based on the lowest charge levels at which the services are widely and consistently available in a locality.	No	Paul Riesel, HCFA, Room 190 East High Rise Bldg. 6401 Security Blvd. Baltimore, Md. 21235 301-594-9595

HCFA REGULATION AGENDA
DELETIONS*RA-Regulatory Analysis
(Yes/No)

Title	Stage of Development	Classification	Statutory Base	Reason for Deletion	Description	*RA	Contact
Requirements for End Stage Renal Disease (ESRD) Self-Dialysis Units and Services	Revised Final	Policy Significant	Sec. 1881 of the Social Security Act.	Comments received in response to the final regulations (with comment period) do not warrant revision of regulations at this time. However, as we gain experience with implementation we will evaluate the need for further revision.	The regulations establish requirements that self-dialysis facilities and units must meet to be approved to provide services to ESRD patients under Medicare.	No	Janet Barryman Health Standards and Quality Bureau, HCFA Room 301, East High Rise Bldg. 6401 Security Blvd. Baltimore, Md. 21235 301-594-9712
Histocompatibility Testing	NPRM	Technical	Sec. 1861(a)(10) of the Social Security Act.	Technical corrections will be incorporated in recodification of regulations on conditions for participation for laboratories that will be issued later.	These regulations would clarify definitions and techniques for histocompatibility testing carried out under the Medicare program for individuals with end-stage renal disease to determine if a donor kidney will be compatible with recipient.	No	Charlotte Conway Health Standards and Quality Bureau, HCFA Room 324, East High Rise Bldg. 6401 Security Blvd. Baltimore, Md. 21235 301-594-7761
Reopening and Revision "Times Determination Under the Medicare Program	NPRM	Policy Significant	Secs. 1842(b)(3) and (4) and 1869 of the Social Security Act.	Incorporated in item entitled "Provider Reimbursement Determinations and Appeals."	This regulation would propose to revise and expand the criteria governing the reopening and revision of Medicare benefit payment determinations.	No	John B. Russell HCFA, Room 1-N-5 Low Rise Building 6401 Security Boulevard Baltimore, Md. 21235 301-594-8260

HCFA REGULATION AGENDA

*RA-Regulatory Analysis
(Yes/No)

DELETIONS

Title	Stage of Development	Classification	Statutory Base	Reason for Deletion	Description	*RA	Contact
Retroactive Adjustment in Payments to Providers in Case of Erroneous Reimbursement Methods	Final	Technical	Sec. 1861(v)(1)(A)(ii) of the Social Security Act	Particular problem that this regulation was designed to resolve can be dealt with adequately in the recodification of the Medicare regulation now in progress.	This regulation authorizes the Secretary to adjust payment made to Medicare providers under an erroneous method for determining costs	No	Lawrence J. Ageloff HCFA, Room 64 East High Rise Building 6401 Security Blvd. Baltimore, Md. 21235 301-594-6719
End-Stage Renal Disease Services Reimbursement for Organ Procurement Histocompatibility Testing, and Home Dialysis Equipment	Revised Final	Policy Significant	Sec. 1102, 1814(b), 1833, 1861(v)(1), 1871, and 1881 of the Social Security Act	Comments received in response to the final regulations (with comment period) do not warrant revision of regulations at this time. However, as we gain experience with implementation we will evaluate the need for further revisions.	The regulation will provide for 100 percent reimbursement for cost of furnishing and maintaining home dialysis equipment, for services furnished by an organ procurement agency or histocompatibility laboratory to obtain and analyze kidneys for transplantation.	No	Hugh McConville HCFA Room 412 East High Rise Building 6401 Security Blvd. Baltimore, Md. 21235 301-594-9430
Review of Provider Reimbursement Board Decisions	NPRM	Policy Significant	Sec. 1102 and 1878(f)(1) of the Social Security Act.	Incorporated in item entitled "Provider Reimbursement Determinations and Appeals."	This proposal would specify the criteria and procedures for review of Provider Reimbursement Review Board decisions by the Administrator, HCFA. The amendment is necessary to resolve current confusion concerning the procedure and to comply with the Administrative Procedures Act.	No	Erica L. Gonnell Office of Attorney-Advisor, HCFA Room G-50 Altmeyer Bldg. 6401 Security Blvd. Baltimore, Md. 21235 301-594-5132

HCFA REGULATION AGENDA

*RA-Regulatory Analysis
(Yes/No)

DELETIONS

Title	Stage of Development	Classification	Statutory Base	Reason for Deletion	Description	*RA	Contact
Medicare Entitlement Based on End Stage Renal Disease (ESRD)	Revised Final	Technical	Secs. 226A and 1881 of the Social Security Act.	Comments received in response to the final regulations (with comment period) do not warrant revision of regulations at this time. However, as we gain experience with implementation we will evaluate the need for further revisions.	The regulations will extend Medicare coverage to ESRD patients who are 65 years of age or older permit coverage to begin earlier for patients who receive renal transplants or training in self dialysis and lengthen the duration of Medicare payments following a renal transplant.	No	John Russell HCFA, RM-1-H-5, East High Rise Bldg. 6401 Security Blvd. Baltimore, Md. 21235 301-594-8260
Coverage of End-Stage Renal Disease (ESRD) Services	Revised Final	Policy Significant	Sec. 1881 of the Social Security Act.	Comments received in response to the final regulations (with comment period) do not warrant revision of regulations at this time. However, as we gain experience with implementation we will evaluate the need for further revisions.	This regulation defines the specific ESRD services that will be covered and the conditions under which these services must be provided to be reimbursed under Medicare.	No	Hugh McConville HCFA Room 412 East High Rise Bldg. 6401 Security Blvd. Baltimore, Md. 21235 301-594-9430

U.S. OFFICE OF EDUCATION

*NEW ENTRIES

TITLE	STAGE OF DEVELOPMENT	CLASSIFICATION	STATUTORY BASE	NEED TO REGULATE	DESCRIPTION	RA	CONTACT
Career Education	Final	Policy Significant	Career Education Incentive Act, Pub. L. 95-207.	Regulations needed to clarify law.	The regulations govern 4 new programs providing financial assistance to public and private agencies and organizations, to make career education a major goal of education.	No	Sid High, Office of Career Education, 7th and D Sts., S.W., Washington, D.C. 20202 (202) 245-2335
Emergency School Aid - Television	Final	Policy Significant	ESAA, Title VII, Pub. L. 92-318, as amended.	Amendment needed to change criteria for awarding FY '79 grants.	Increase funding appropriations to applicants who employ minority members in key positions in their organization.	No	Dave Berkman, U.S. Office of Education, 7th and D Sts., S.W., Washington, D.C. (202) 245-9225
Title I, ESEA "concentration"	Final	Policy Significant	Educ. Amendment of 1978 (Sec. 117) Pub. L. 95-561	Statute specifically requires regulations.	These regulations will enable LEA's to provide more effective programs of instruction to educationally-deprived children by authorizing special grants in counties with especially high concentrations of children from low-income families.	No	Carolyn Horner U.S. Office of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 245-2638

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*Continuation From Last Agenda

TITLE	STAGE OF DEVELOPMENT	CLASSIFICATION	STATUTORY BASE	NEED TO REGULATE	DESCRIPTION	RA	CONTACT
Adult Education	Final	Policy Significant	Adult Education Act, P.L. 91-230, as amended by Education Amendment of 1978. P.L. 95-561	Regulations are needed to provide uniform interpretation and implementation of the law.	The regulations will expand the current delivery system of adult education and will broaden the outreach of the program.	No	Paul V. Delker, Adult Edu. Prog., Office of Education, 7th & D Sts., S.W., Washington, D.C., (202) 245-2278
Community Education	Final	Policy Significant	Sec. 405 of P.L. 93-380, as amended by the Education Amendments of 1978. P.L. 95-561	Regulations are needed to clarify the law.	The regulations will expand the scope and responsibilities of the present community education program.	No	Julie Englund, Community Education Program, Office of Education, 7th & D Sts., S.W., Washington, D.C. 20202 (202) 245-0691
Youth Employment	Final	Policy Significant	Sec. 627 of Education Amendments of 1978. P.L. 95-561	Regulations are needed to interpret and clarify the law.	Regulations will establish requirements to prepare children to take their place as working members of society.	No	Ann E. Donovan Office of Education 7th & D Sts., S.W. Washington, D.C. 20202 (202) 245-9730
Basic Skills Improvement Program (R2R)	Final	Policy Significant	Title II & Title IX, Part B, Education Amendments of 1978 (P.L. 95-561)	Law in general terms in the two applicable titles thereby requiring clarification.	Expands National Reading Improvement Act Program affecting all States, LEAs, and many non-public schools.	No	Tom Keyes, Program Officer, Office of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 245-2710

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*Continuation From Last Agenda

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Gifted & Talented	Final	Technical	Education Amendments of 1978 (P.L. 95-561)	Required to incorporate changes of Ed. Amendments of 1978 and write in simple English.	Revised the present regulations to provide interested parties a better understanding of the program.		Dr. Dorothy Sisk, Director, Office of Gifted & Talented, Office of Education, 7th & D Sts., S.W., Washington, D.C. 20202 (202) 245-2482
Handicapped Children Early Education Program	NPRM	Technical	Education Amendments P.L. 94-142	Law in general terms and require clarification to include all age groups. Also write in simple English.	Provides funds for Handicapped children's Early Childhood Education.	No	Dr. William Swam, Division of Innovation & Development, BEH, Rm. 3120, Donohoe Bldg. 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 245-9722
Indian Education Program	Final	Policy Significant	Ed. Amendment of 1978 P.L. 95-561	Law in general terms, needs to clarify existing regulations.	Supports all phases of Indian Education Children and adults.	No	Dr. John Tippeconic, U.S. Office of Education, Rm. 2177, FOB-6 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 245-8020

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*Continuation From Last Agenda

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Handicapped Media Services	NPRM	Technical	Ed. Amendment of 1977 P.L. 95-49	Incorporate minor language change and write in simple English.	The regulations govern the administration of programs which provides a free loan service of captioned films for the deaf, and promotes the educational and cultural advancement of handicapped persons through research and the use of media and technology.	No	Barry E. Katz, U.S. Office of Education, Rm. 4819, Donohoe Bldg. 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 472-4640
GSL (503) Interest Benefits & Special Allowance	Final	Policy Significant	Higher Education Act of 1965 as amended (20 U.S.C. 1071-1087-4) (P.L. 94-482)	Regulations required by Sec. 503 of the Education Amendments of 1972 (P.L. 92-318). Implementing changes to current regulations required by the Ed. Amendments of 1976 (P.L. 94-482) Middle Income Student Assistance Act (P.L. 95-566) (NPRM pub. 4/5/78).	This regulation will establish requirements for the GSLP.	No	David Bayer, Acting Chief, GSL Branch, BSFA, Rm. 4002, FOB-3 7th & D Sts., S.W. Washington, D.C. 20202 (202) 245-9717

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*Continuation From Last Agenda

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
General Provisions Relating to Student Assistance Program	Final	Policy Significant	Section 497-A of the Higher Education Act of 1965, as amended (P.L. 94-482)	Statute in general terms - implementing provisions need regulation (NPHM. pub. 8/10/78)	This regulation will establish fiscal and administrative standards for institutions participating in this program.	No	William L. Moran Chief, Basic Grants Policy Section, OEPD/BSFA/OE, Rm. 4318, ROB-3, 400 Maryland Ave., S.W., Washington, D.C. 20202
Emergency School Aid	Final	Policy Significant	The Education Amendments of 1978 (P.L. 95-561)	Law in general terms; implementing instructions needed.	This regulation will clarify the status and establish program standards for issuing grant awards.	No	J. Jordan Equal, Education Opportunity Program, Rm. 2011, 400 Maryland Ave., S.W. Washington, D.C. (202) 245-8484
Women's Educational Equity Act Program	Final	Policy Significant	Women's Educational Equity Act of 1978	Implement the law establishing criteria and priorities.	These regulations will establish criteria and priorities for financial assistance to provide educational equity for women in the U.S.	No	Dr. Mary Jane Easley Women's Program Staff Office of Education Rm. 2147, ROB-6 400 Maryland Ave., S.W. Washington, D.C. 20202 (202) 245-2181

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*Continuation From Last Agenda

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Ethnic Heritage Studies	Final	Technical	The Elementary and Secondary Act of 1965, as amended by the Ed. Amendments of 1972, 1974, and 1978.	Technical changes needed in the existing regulations and to simplify and revise the criteria.	This regulation will improve the existing criteria for eligibility and for selection of applicants for grants!	No	Stanley Wilcox, Acting Chief, Ethnic Heritage Studies Branch, U.S. Office of Education, Rm. 3913, ROB-3, 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 245-2761
Title I, ESEA Evaluation	Final	Policy Significant	P.L. 93-280 as amended by P.L. 95-561	Law requires Commissioner to mandate evaluation models and standards.	This regulation establishes models and standards for the evaluation of Title I projects.	Not Decided	Dr. Judith Burnes, OPEE, U.S. Office of Education, Rm. 3049 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 245-8364
National Diffusion Network	Final	Policy Significant	Ed. Amendments of 1978, P.L. 95-561	Law requires program changes.	These regulations govern the selection of projects and establish criteria for awards.	No	Dr. Andrew M. Leiby, Office of Education, Rm. 3616, ROB-3, 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 245-9582

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*Continuation From Last Agenda

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Arts Education	Final	Policy Significant	The Arts Education Act of 1978	Required by law to broaden eligibility requirements.	These regulations govern the selection of all grantees and some contractors; establish eligibility requirements, and criteria.	No	Dr. Harold Arberg, Office of Education, Rm. 3728, Donohoe Bldg., 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 472-7793
Institutional Eligibility	NPRM	Policy Significant	HEA of 1965, as amended.	To clarify procedures currently used by the Agency to determine the eligibility of post-secondary institutions. These procedures are being used, but they have not been published.	This regulation will establish the procedures that the Commissioner of Education used to determine the eligibility status of postsecondary institutions.	No	John R. Proffitt, Director of Eligibility and Agency Evaluation, ERCE, U.S. Office of Education, Rm. 3030, SOB-3, Washington, D.C. 20202 (202) 245-9873
Criteria for Recognition of National Accrediting Bodies and State Approval Agencies	NPRM	Policy Significant	Veterans Readjustment Assistance Act of 1952, plus 23 other statutory authorities including P.L. 92-318.	Simplify and revise the criteria.	This regulation will establish the Commissioner's procedures for selecting nationally recognized accrediting agencies who are reliable authorities, concerning the quality of education or training offered by educational institutions or programs they evaluate.	No	Same as above.

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*Continuation From Last Agenda

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Law-Related Education	Final	Policy Significant	Education Amendments of 1978, P.L. 95-561	Law requires the Commissioner to award grants and contracts to provide law-related education programs.	Purpose is to encourage SEAs and LEAs and other public and non-profit agencies, organizations, and institutions to provide law-related education programs.	No	Mr. Steven Winnick, Office of Education, 400 Maryland Ave., S.W., Rm. 4091, Washington, D.C. 20202 (202) 245-8953
Bilingual Education	Final	Policy Significant	Education Amendment of 1978, P.L. 95-561	To implement the law.	Will establish standards and procedures for eligibility requirements, definitions, program requirements, evaluation procedures, and use of funds.	No	Ms. Barbara J. Wells, Office of Education, 400 Maryland Ave., S.W., Rm. 421, Reporters Building, Washington, D.C. 20202 (202) 447-9273

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*CHANGED STATUS

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>PA</u>	<u>CONTACT</u>
Title I, ESEA Migrant	Final	Policy Significant	Education Amendments of 1978 (P.L. 95-561)	Statute specifically requires Regulations.	These regulations establish State and local advisory councils, adjust summer count of children, coordinate migrant education activities, reorder priority of services for currently pre-migratory children, establish a review procedure for State application standards, establish circumstances under which the Commissioner will by-pass or reallocate a State's funds.	No	John D. Ridgway, Education Program Specialist, U.S. Office of Education, 400 Maryland Ave., S.W., Room 2031, Washington, D.C. 20202
Correction Education	Final	Policy Significant	Correction Education Demonstration Project Act of 1978, Title III, Secs. 371-374 of Part J of the Education Amendments of 1978, P.L. 95-561	Statute is very general. Implementing instructions needed.	These regulations will establish application eligibility and requirements, and selection criteria for applicants for support under the act.	No	James Spillane, Office of Education, Rm. 2047, FOD-6, 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 245-7292

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*CHANGED STATUS

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>PA</u>	<u>CONTACT</u>
Preschool Partnership Programs	Final	Policy Significant	Education Amendments of 1978.	Law in general terms; implementing instructions needed.	These regulations will establish requirements for participation in parent/early childhood pilot projects.	No	Dr. Ernest A. Crider or Miss Beryl Parke, Parent/Early Childhood and Special Programs Staff, BESE, U.S. Office of Education, Rm. 2083, 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 245-8118

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*CHANGED STATUS

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Population Education	Final	Policy Significant	Education Amendments of 1978.	Law in general terms; implementing instructions needed.	These regulations will establish requirements for participation in a program of population education in elementary and secondary schools.	No	Same as above.
Safe Schools	Final	Policy Significant	ESEA Title IX, Part D, P.L. 89-10, as amended by The Education Amendments of 1978.	The statute sets general policy; important implementing provisions need regulations.	These regulations will define terms, establish selection criteria, emphasize program direction, and limit amount of funds for equipment and remodeling.	No	Robert L. Thomas, Education Program Specialist, U.S. Office of Education, 400 Maryland Ave., S.W., Room 3010, ROB-3, Washington, D.C. 20202 (202) 245-2605
School Assistance for Maintenance and Operation and School Construction in Areas Affected by Federal Activities	Final	Policy Significant	Education Amendments of 1978 (P.L. 95-561)	Statute specifically requires regulations; and sets general policy. Major implementing provisions need regulation. The Department has set new policies which require new or modified regulations.	These regulations govern reports, membership, average daily attendance, employment conditions of certain school personnel, nonpublic education of a handicapped child, children who live on Indian lands, elective school boards and payments in States that equalize expenditures among local educational agencies.	No	Mr. William L. Stormer, Dir./ Div./S&PA, U.S. Office of Education, Room 2107, 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 245-8427

U.S. OFFICE OF EDUCATION

*CHANGED STATUS

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Programs for Children With Special Educational Needs	Final	Policy Significant	Title I, Elementary and Secondary Education Act.	Some parts of law are general-others require regulations.	These programs provide supplemental financial assistance to: (a) Local educational agencies for projects designed to meet the special educational needs of educationally deprived children in low-income areas; (b) State agencies to meet the special educational needs of handicapped, neglected or delinquent children; and (c) State Education Agencies to meet the special educational needs of migratory children.	No	Dr. John Staehle, 400 Maryland Ave., S.W., (Room 3642 ROB-3) Washington, D.C. 20202 (202) 245-2720
Biomedical Sciences	Final	Policy Significant	Education Amendments of 1978 (P.L. 95-561)	Law in general terms; implementing instructions needed.	Program assists target youth to prepare and to pursue a course of study, leading to one of the biomedical professions or occupations.	No	Melvin Engelhardt, U.S. Office of Education, BESE/SLEP, 400 Maryland Ave., S.W., Room 3012, ROB-3 Washington, D.C. 20202 (202) 245-1991

U.S. OFFICE OF EDUCATION

*CHANGED STATUS

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Health Education Program	Final	Policy Significant	Education Amendments of 1978 (P.L. 95-561)	Law in general terms/implementing instructions needed.	These regulations will govern the awarding of grants to State and local educational agencies, which are designed to establish and support programs of health education in elementary and secondary schools.	No	Simon McNeely, SR Prog. Coord., U.S. Office of Education, BESE/SLEP, 400 Maryland Ave., S.W., Rm. 2079, Washington, D.C. 20202 (202) 245-8407
Metric Education	Final	Technical	Sec. 403 of P.L. 93-380, as amended by the Education Amendments of 1978. P.L. 95-561	Need to clarify program purpose, objectives, and funding criteria.	The regulations will establish criteria for evaluation of grants to prepare students, parents and other adults to use the metric system.	No	Floyd Davis, Metric Education, Prog., U.S. Office of Education, 831 Riviera Bldg., 1832 M. St., N.W. Washington, D.C. 20202 (202) 653-5811
Consumers Education	Final	Policy Significant	Sec. 811 of P.L. 93-380, as amended by the Education Amendments of 1978. P.L. 95-561	Need to clarify standards and establish uniform evaluation criteria.	Develop the capacity of Education institutions and community agencies to provide consumers' education to persons of all ages.	No	Dustin W. Wilson, Jr., Office of Consumers' Ed., Office of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 653-5983

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*CHANGED STATUS

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Education Division General Administrative Regulations	Final	Policy Significant	P.L. 92-318 as amended by Ed. Amendments of 1978 - P.L. 95-561	Recodification under Operation Common Sense, and to implement Ed. Amendments of 1978.	These regulations govern all fiscal and administrative requirements for the Education Division programs.	No	Dr. Marcel D'Wall, Office of Education, 400 Maryland Ave., S.W., Rm. 508, Reporters, Bldg., Washington, D.C. 20202 (202) 472-7773
Follow Through	NPRM	Policy Significant	The Economic Opportunity Amendments of 1978 (P.L. 95-568)	The Department is considering major change in policy and is requesting public comment on proposal.	These regulations will establish criteria for a second generation of Follow Through projects and sponsors.	No	Fred Bresnick, Program Coordinator, Division of Follow Through, 400 Maryland Ave., S.W., (R0B#3-Rm. 3624) Washington, D.C. 20202 (202) 245-2501

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*CHANGED STATUS

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Education Hearing Board	Final	Policy Significant	Commissioners policy and The Education Amendments of 1978 P.L. 95-561	Extend the jurisdiction of the Title I ESEA Audit Hearing Board, and implement requirements of the law.	These proposed regulations establish an Education Hearing Board to provide imperative administrative procedures for resolution of adverse monetary audit findings, for State-administered programs.	No	Dr. David Pollen, Office of Education, 400 Maryland Ave., S.W., Rm. 4051, Washington, D.C. 20202 (202) 245-7836
Financial Assistance for Environmental Education Projects	Final	Technical	The Environmental Education Act (P.L. 91-516, as amended by P.L. 93-278 and Title III, P.L. 95-561	Law provides general policy; implementing instructions are needed. Department has set a new policy which requires revision of regulations for purposes of simplification.	These regulations will describe the requirements for the award of grants for environmental education projects.	No	Sylvia Wright, Program Officer U.S. Office of Education, Rm. 2025, 400 Maryland Ave., S.W., Washington, D.C. 20202 (202) 245-9231

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*CHANGED STATUS

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Administration of Education Programs and Duties of the State Educational Agency (ESEA, Title V-A)	Final	Policy Significant	Education Amendments of 1978	Law in general terms implementing instructions needed.	These regulations will govern the program for consolidated administration of ESEA Titles I and IV.	No	David G. Phillips, U.S. Office of Education, Div. of State Education Assistance Programs, 400 Maryland Ave., S.W., (Room 3020, NDB-3) Washington, D.C. 20202 (202) 245-2495
Strengthening State Educational Agency Management (ESEA, Title V-B)	Final	Policy Significant	Education Amendments of 1978	Law in general terms, implementing instructions needed.	These regulations will govern a grant program to strengthen the leadership and management roles of SEAs.	No	Same as above.
Educational Improvement, Resources, and Support	Final	Policy Significant	Amendment to Title IV of the Elementary and Secondary Education Act of 1965 (P.L. 95-561)	The statute sets general policy; major important implementing provisions need regulation. Also, the Department has set new policies which require modification of the regulations.	These regulations will establish requirements for State administration of programs for acquisition of instructional materials and school library resources; for the improvement in local educational practices; and for guidance, counseling, and testing.	No	Louise V. Sutherland, U.S. Office of Education, School Media Resource Branch, 400 Maryland Avenue, S.W., (Room 1125, NDB-3) Washington, D.C. 20202 (202) 245-2489

*As of June 8, 1979

U.S. OFFICE OF EDUCATION

*CHANGED STATUS

<u>TITLE</u>	<u>STAGE OF DEVELOPMENT</u>	<u>CLASSIFICATION</u>	<u>STATUTORY BASE</u>	<u>NEED TO REGULATE</u>	<u>DESCRIPTION</u>	<u>RA</u>	<u>CONTACT</u>
Indochina Refugee Children Assistance Act	Final	Policy Significant	The Education Amendments of 1978, Title XIII, Part C, Sec. 1331	Provision of educational services to Indochinese refugee children, and guidance for SEA program administration.	These regulations will establish requirements for LEA and SEA, regarding educational services for Indochinese refugee children.	NO	James H. Lockhart, Dir. IRT, U.S. Office of Education, 400 Maryland Ave., S.W., Rm. 2189 Washington, D.C. 20202 (202) 245-3081

*As of June 8, 1979

New EntriesSSA REGULATION AGENDA*Regulatory Analysis

<u>Title</u>	<u>Stage of Development</u>	<u>Classification</u>	<u>Statutory Base</u>	<u>Need to Regulate</u>	<u>Description</u>	<u>RA*</u>	<u>Contact</u>
Availability of Information and Records to the Public	NPRM	Technical	Secs. 205 and 1102 of the Social Security Act	To review our rules on the availability of information for consistency with HEW's. Revise our rules to reflect creation of Health Care Financing Administration, and to transfer certain Medicare information which no longer applies to SSA activities to 42 CFR Part 405.	Revise SSA's rules on Freedom of Information Act to make them consistent with HEW's in 45 CFR Part 5. Transfer material concerning HCPA's Medicare program. Relocate the rewritten 22E in 20 CFR Part 401 to bring SSA's rules on disclosure and the availability of information together in one Part.	No	Mr. Armand Esposito Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7455
Quarters of Coverage and Insured Status	NPRM	Policy Significant	Secs. 212, 213, and 214 of the Social Security Act.	These regulations are being rewritten to meet the Department's "Operation Common Sense" standards.	Contains rules for determining quarters of coverage and insured status of a worker when a person claims old age, disability, dependent, or survivors benefits under title II of the Social Security Act.	No	Mr. John Modler Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-5745
Basic Computation of Benefits and Lump Sum	NPRM	Policy Significant	Sec. 215 of the Social Security Act	These regulations are being rewritten to meet the Department's "Operation Common Sense" standards.	Contains the rules on computations of primary insurance amounts (PIA) under the old-age, survivors, and disability insurance programs. (An individual's PIA is the basic tool we use to find the amount of the individual's monthly benefit as well as the monthly benefits of his or her family.)	No	Mr. Tim Evans Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7951

NEW ENTRIES 21

SSA REGULATION AGENDA

*Regulatory Analysis

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	* RA	Contact
Benefits in Case of Veterans	NPRM	Policy Significant	Secs. 205, 210, 217, 229, and 1102 of the Social Security Act, as amended	These regulations are being rewritten to meet the Department's "Operation Common Sense" standards.	Recodifies SSA's rules regarding wage credits for veterans and members of the uniformed services.	No	Ms. Vera Schlosser Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7332
Representative Payee	NPRM	Policy Significant	Secs. 205, 1102, and 1631 of the Social Security Act	These regulations are being rewritten to meet the Department's "Operation Common Sense" standards.	States the rules used in determining when a beneficiary needs a representative payee, how a representative payee is selected, and how we assure that the representative payee uses payments in the best interest of the beneficiary.	No	Mr. Philip Berge Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7452
Eligibility	NPRM	Policy Significant	Sec. 1611 of the Social Security Act.	These regulations are being rewritten to meet the Department's "Operation Common Sense" standards.	States requirements for individuals to be eligible for SSI benefits	No	Ms. Rita Hauth Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7112
Eligibility; Redeterminations	INTERIM	Policy Significant	Sec. 1611 of the Social Security Act	Rules are needed to conduct redeterminations less frequently than at 12 month intervals.	Provides that redeterminations will be scheduled at various lengths of time depending on the individual situations -- the likelihood of change.	No	Ms. Rita Hauth Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7112
Filing of Applications and Other Forms	NPRM	Policy Significant	42 U.S.C. 1382 (c) and 1383 (e)	These regulations are being rewritten to meet the Department's "Operation Common Sense" standards.	Includes rules on filing applications for supplemental security income. Describes the requirements for filing, who may file, how to file, and when.	No	Mr. Kenneth J. Dyer Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7454

NEW ENTRIES 22

SSA REGULATION AGENDA

*Regulatory Analysis

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	* RA	Contact
Payment of Benefits, Overpayments, and Underpayments; Recovery of Overpayment	NPRM	Policy Significant	Sec. 1631 (b) of the Social Security Act	To clarify current tests for recovery of overpayment	Makes clear that current tests are alternative tests for eligible individuals, but they are not alternative tests for ineligible individuals	No	Mr. Marval Cazer Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7463
Relationship	NPRM	Policy Significant	Secs. 1102, 1614 (b), (c), and (d), and 1631 (d) (1) of the Social Security Act.	These regulations are being rewritten to meet the Department's "Operation Common Sense" standards.	Defines spouse, child, and parents for SSI purposes.	No	Mr. Cliff Terry Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7519
Resources and Exclusions	NPRM	Policy Significant	Secs. 1102, 1611, 1613, and 1631 of the Social Security Act	These regulations are being rewritten to meet the Department's "Operation Common Sense" standards.	Describes what we count as resources in determining eligibility for supplemental security income.	No	Mr. Henry Lerner Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7414
Suspensions and Terminations	NPRM	Policy Significant	Secs. 1102, 1611, 1614, 1615, and 1631 of the Social Security Act.	These regulations are being rewritten to meet the Department's "Operation Common Sense" standards.	Contains the rules for reducing, suspending, and terminating a title XVI recipient's benefits. They are being rewritten to provide greater clarity to the reader and to consider policy additions, revisions, and clarifications.	No	Mr. Charles H. Campbell Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7453
Referral for Rehabilitation Services, Other Benefits, Other Services, and Assistance	NPRM	Policy Significant	42 U.S.C. 1382 (e) (3) (A) and 1382d	These regulations are being rewritten to meet the Department's "Operation Common Sense" standards.	Includes rules on referrals of persons eligible for Supplemental Security Income to other agencies for treatment or services.	No	Mr. Kenneth Dyer Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7454

NEW ENTRIES

SSA REGULATION AGENDA

*Regulatory Analysis

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA*	Contact
Medicaid Eligibility Determinations	NPRM	Policy Significant	Secs. 1102, 1631, and 1634 of the Social Security Act; Sec. 302 of the Intergovernmental Cooperation Act of 1968	To provide the public with clearer regulations	Gives rules for our agreements to make Medicaid eligibility determinations for SSI applicants on behalf of States, to give States information from SSI applications, etc.	No	Mr. Cliff Terry Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7519
Treatment of Child Support Collections Under Title IV-D as Income Under Title IV-A	NPRM	Policy Significant	Sec. 202(a)(28) of the Social Security Act.	Enactment of Pub. L. 94-88 (Sec. 202)	Implements section 402(a)(28) of the Social Security Act which requires certain States to redetermine eligibility for and amount of AFDC payments where child support is collected by State child support enforcement agencies. Sec. 402(a)(28) requires that monthly supplemental payments be made to AFDC recipients who have less disposable income because the law now requires that child support payments previously paid directly to the family be paid to the State child support enforcement agency.	No	Ms. Alice Stewart Office of Family Assistance Room 4111 Switzer Bldg 330 C Street, S.W. Washington, D.C. 20201 202-245-1964
Financial Assistance Programs; Federal Matching Funds for State and Local Training	Final	Policy Significant	Secs. 2, 3, 402, 403, 1002, 1003, 1402, 1403, 1602, and 1603 of the Social Security Act	To clarify and strengthen their training policies	States requirements for Federal financial participation in training of employees of States administering financial assistance programs.	No	Ms. Evelyn Greene Office of Family Assistance Room 4111 Switzer Bldg. 330 C Street, S.W. Washington, D.C. 20201 202-472-3793

NEW ENTRIES

SSA REGULATION AGENDA

*REGULATORY ANALYSIS

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA*	Contact
Consideration of a Child's OASDI Benefits, Other Benefits Restricted by Federal or State Law to the Use and Benefit of the Child and Court Ordered Support Payments Made on Behalf of a Specific Child	NPRM	Policy Significant	Secs. 202(d), 208(e), 402(a)(7) of the Social Security Act	Policy clarification required between State Letter 1088 and subsequent policy issuance - need to resolve two conflicting interpretations	NPRM will reaffirm an AFDC caretaker's option to include in the AFDC assistance unit a child who receives OASDI benefits, under Title II of the Act, even when such benefits are sufficient to meet the child's needs under the State's AFDC payment standard.	No	Ms. Connie Katz Office of Family Assistance Room 4111 Switzer Bldg 330 C Street, S.W. Washington, D.C. 20201 202-245-0982
Coverage and Condition of Financial Assistance Program, Residence	INTERIM	Policy Significant	Sec. 402(b) of the Social Security Act	Necessary to provide AFDC eligibility to certain migrant workers.	Expands definition of resident to include anyone who at the time of application is living and employed in the State and not receiving assistance from another State.	No	Ms. Aletha Slade Office of Family Assistance Room 4111 Switzer Bldg 330 C Street, S.W. Washington, D.C. 20201 202-245-0521
Using Equity Value for Resources	NPRM	Policy Significant	Sec. 402(a)(7) of the Social Security Act	To reflect the court decision in <i>NWRO v. Mathews</i> (532 F. 2d 637) to use equity value for resources	Precludes States from regarding or counting as available the market value of resources without regard to encumbrances.	No	Mrs. Juanita Henderson Office of Family Assistance Room 4111 Switzer Bldg. 330 C Street, S.W. Washington, D.C. 20201 202-245-0203

NEW ENTRIES (6)

SSA REGULATION AGENDA

*REGULATORY ANALYSIS

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA *	Contact
Refugee Assistance Program	NFRM	Policy Significant	P.L. 94-23, 94-24, and 94-313	To consolidate existing policies governing operation of the Indochinese refugee program into regulations which will be more accessible, more easily understood, and will have the force of law.	The proposed regulation will provide rules and policies which uniquely apply to the Indochinese Refugee Assistance Program, including Federal financial participation. They will cover cash assistance, medical assistance, and social services for refugees.	No	Mr. Gene Hofeling Office of Family Assistance Room 411 Switzer Bldg. 330 C Street, S.W. Washington, D.C. 20201 202-245-8817

Continuation from Last Agenda

SSA REGULATION AGENDA

*Regulatory Analysis

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA *	Contact
New Methods for Computing Benefit Amounts	FINAL	Technical	Social Security Amendments of 1977 (Pub. L. 95-216)	Required to publish definition of "average of the total wages," and need for complex provisions to be explained in layman's language.	Explains the decoupling provisions of the Social Security Amendments of 1977 whereby a worker's basic benefit amount is computed from his earnings as a ratio of the total earnings of all workers. Explains the amended provisions for computing minimum benefit amounts and cost-of-living increases and recomputing the basic benefit.	No	Mr. Jack Schanberger Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7332
Totalization Agreements	FINAL	Policy Significant	Social Security Amendments of 1977 (Pub. L. 95-216)	Law in general terms, implementing instructions needed.	Implements a provision that authorizes the President to enter into bilateral agreements with other countries to provide for coordination between the social security systems of the United States and other countries. Permits each country to establish entitlement to and amount of benefits based on a combination of a person's periods of coverage under social security systems of both countries.	No	Mr. John Modler Office of Regulations 6401 Security Boulevard Baltimore, Md. 21235 301-594-5745

SSA REGULATION AGENDA

*Regulatory Analysis

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA*	Contact
Reduction of Benefits Maximum	FINAL	Technical	Social Security Amendments of 1977 (Pub. L. 95-216)	To complement regulations on "New Methods for Computing Benefit Amounts."	Provides a new formula for determining the maximum monthly benefit that a family can receive.	No	Jack Schlanberger Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7332
The Retirement Test; Elimination of the Monthly Test, and the Age at which the Retirement Test no Longer Applies	FINAL	Policy Significant	Social Security Amendments of 1977 (Pub. L. 95-216)	Law does not provide specificity for implementation.	Implements a provision which permits payment of monthly benefits because of low earnings in a month only at the time of initial retirement. Thereafter, the right to payments depends on earnings in a year.	No	Clara Powell Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7459
Filing Date of Applications and other Forms	FINAL	Technical	Secs. 205 and 1102 of the Social Security Act.	To provide public with clearer regulations and to implement sec. 332 of the Social Security Amendments of 1977.	Recodifies SSA's requirements for filing applications for RSDHI and SSI benefits.	No	James McDonald Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7341
Maintenance and Revision of Records on Wages and Self-Employment Income	FINAL	Technical	Secs. 205 and 1112 of the Social Security Act.	To provide public with clearer regulations.	Recodifies SSA's rules on earnings records.	No	James McDonald Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7341

SSA REGULATION AGENDA

Continuation from Last Agenda

*Regulatory Analysis

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA*	Contact
Employment-Wages-Self-Employment Income	NPRM	Technical	Title II of the Social Security Act, as amended.	This subpart is being rewritten under "Operation Common Sense".	This regulation will, in simpler terms, define the types of work that are included or excluded for social security purposes.	No	Mr. Dave Smith Office of Regulations 6401 Security Boulevard Baltimore, Md. 21235 301-594-7336
State and Local Government Wage Reporting Requirements; Annual Basis	FINAL	Policy Significant	An Act to amend the Social Security Act to expedite the holding of hearings under titles II, XVI, and XVIII by establishing uniform review procedures under such titles, and for other purposes (Pub. L. 94-202)	This change will make all wage reports due annually. We currently have different schedules for private and State employers.	These regulations change the States' obligation for filing wage reports from one each quarter to one each year. This will reduce SSA's and the States' processing times.	No	Mr. Armand Esposito Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7455
Rights and Benefits Based on Disability and Determination of Disability or Blindness	NPRM	Policy Significant	Secs. 205, 223, 1102, 1614, and 1631 of the Social Security Act as amended.	These regulations are being rewritten to meet the Department's "Operation Common Sense" standards.	These regulations include the rules for determining disability under Title II and determining disability and blindness under Title XVI of the Social Security Act. These regulations are being rewritten to make them clearer and easier to understand, to remove provisions that are obsolete and rarely applicable, and to examine the policies and consider additions, revisions, and clarifications.	No	Mr. William Ziegler Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7415

Continuation from Last Agenda

SSA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Evidence of Permanent Residence in the United States Under Color of Law	FINAL	Policy Significant	Sec. 1614(a)(1)(B) of the Social Security Act.	To provide undocumented aliens another way to establish permanent residence in the United States under color of law.	Provides that aliens who have continuously resided in the United States since before January 1, 1970 will be presumed to be permanently residing in the United States under color of law for purposes of eligibility for SSI payment.	No	Mr. Dave Smith Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7336
Filing Date for Applications Based on Oral Inquiry	FINAL	Policy Significant	Secs. 1102, 1611, and 1631 of the Social Security Act.	Under current regulations persons who make an oral inquiry about their eligibility for SSI benefits and are advised they are ineligible and therefore do not file an application cannot claim retroactive benefits if it is later found they were eligible. These regulations will protect such persons from losing benefits.	Specifies when the date of an oral inquiry is considered the filing date of an application for supplementary security income benefits.	No	Mr. Cliff Terry Office of Regulations 6401 Security Blvd. Baltimore Md. 21235 301-594-7341
Evaluating Resources on the Basis of Equity and Increasing Dollar Limit on Certain Excluded Resources	FINAL	Policy Significant	Sec. 1613 of the Social Security Act.	Secretarial decision to regulate.	Increases the reasonable value of household goods and personal effects from \$1,500 to \$2,000 and the value of an automobile from \$1,200 to \$2,000. Values within these amounts will not affect eligibility for SSI payments. Also provides for evaluating resources on the basis of equity in the resources rather than its current market value.	No	Mr. Henry Lerner Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7414

Continuation from Last Agenda

SSA REGULATION AGENDA

*Regulatory Analysis

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Permitting Individuals Applying for or Receiving SSI to File for Food Stamps in Social Security Offices	NPEM	Policy Significant	Food and Agriculture Act of 1977 (Pub. L. 95-113)	Food and Agriculture Act of 1977 in general terms SSA needs regulations for instructions.	Describes SSA's authority (with the concurrences of the Department of Agriculture) to obtain information from individuals solely for food stamp purposes.	No	Mr. Kenneth Dyer Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7454
Financial Assistance Programs	FINAL	Policy Significant	Titles I, IV-A, X, XIV, and XVI (AARD) of the Social Security Act	Simplify and reorganize current regulations to reflect 1977 NEW reorganization and related delegations of authority.	Will combine into one Part existing general rules and procedures on administration of financial assistance programs.	No	Mr. Larry Love Office of Family Assistance Rm. 4111 Switzer Bldg. 330 C. Street, S.W. Washington, D.C. 20201 202-245-0982
Quality Control System; Incentive Adjustment for Quality Control in Federal Financial Participation in the AFDC Program	FINAL	Policy Significant	Social Security Amendments of 1977 (Pub. L. 95-216)	To provide methods for calculating payments to States; to improve quality control systems.	Provides for incentive payments to States for reducing their AFDC error rate below 4 percent.	No	Mr. Sean Hurley Office of Family Assistance Rm. 4111 Switzer Bldg. 330 C. Street, S.W. Washington, D.C. 20201 202-245-8999
Standards of Personnel Administration (AFDC)	FINAL	Policy Significant	Sec. 403 of the Social Security Act	To provide personnel standards that States must abide by.	Revises and recodifies policies related to financial assistance programs provided under the Social Security Act. It is necessary to recodify those now administered by SSA, formerly administered by the now defunct SRS.	No	Miss Evelyn Greene Office of Family Assistance Rm. 4111 Switzer Bldg. 330 C. Street, S.W. Washington, D.C. 20201 202-472-3793

Continuation from Last Agenda

SSA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*Regulatory Analysis	
						RA *	Contact
Factors Specific to AFDC Continued Absence of Parent-Prisoner	NPRM	Policy Significant	Secretarial commitment made to Senator Eastland	To revise policy so that certain families can receive AFDC payments.	Where parent-prisoner returns home in evenings, and does uncompensated public work by day, child is deprived of support for AFDC purposes.	No	Miss Joyce Fernandez Office of Family Assistance Rm. 4111 Switzer Bldg. 330 C. Street., S.W. Washington, D.C. 20201 202-245-0982

CHANGED STATUS

SSA REGULATION AGENDA

*Regulatory Analysis

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*Regulatory Analysis	
						RA *	Contact
Reorganization and Updating of Reg. No. 1	FINAL (NPRM published 4/10/79; in comment period.)	Policy Significant	Privacy Act of 1974, (Pub. L. 93-579)	Strong public interest in SSA's rules on disclosing information from its records	Provides for disclosure of information from social security records under the Social Security Act, the Freedom of Information Act, the Privacy Act, and other related statutes.	No	Mr. Armand Esposito Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7455
Procedures, Payment of Benefits, Determinations, Appeals and Representation of Parties	FINAL (NPRM published 4/4/79)	Policy Significant	Secs. 205, 1102 and 1631 of the Social Security Act	These subparts are being rewritten under "Operation Common Sense."	Explains the administrative review process and procedures relating to claimant representation.	No	Mr. Phil Berge Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7452
Disability Insurance Supplemental Security Programs Substantial Gainful Activity-- Guidelines for 1978 and 1979	FINAL (Interim published 3/23/79)	Policy Significant	Secs. 223 and 1614 of the Social Security Act	The Social Security Act directs the Secretary to prescribe SGA criteria by regulations.	Increases the dollar amounts for determining whether a person's earnings show the ability to perform SGA for calendar years 1978 and 1979 and later.	No	Mr. James MacDonald Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7341
Income and Exclusions; Supplemental Security Income Program	FINAL (NPRM published 2/1/79)	Policy Significant	Sec. 1612 of the Social Security Act	To provide the public with clearer regulations.	Explains how we consider income under the supplemental security income program and the amount of individual benefits.	No	Ms. Rita Hauth Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7112
Pass Along Provisions of Federal Supplemental Security Income Benefit Cost-of-Living Increases to State Supplementary Recipients with Limitation on State Cost for Hold-harmless States	FINAL (NPRM published 3/27/79)	Policy Significant	Food Stamp Distribution to AFDC Families (Pub. L. 94-585)	Law is not specific enough to be entirely self-effectuating.	Implement provisions of sec. 1618 of the Social Security Act by interpreting the statute to include those beneficiaries who receive only State supplementation and to provide guidelines for related State agreements.	No	Ms. Clara Powell Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7459

CHANGED STATUS

SSA REGULATION AGENDA

*Regulatory Analysis

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA *	Contact
Access to Wage Record Information Under AFDC	FINAL (NPRM published 1/11/79)	Policy Significant	Social Security Amendments of 1977 (Pub. L. 95-216)	These rules state specific requirements to be met by the States in requesting and using wage information.	States must request and use wage information from State unemployment compensation agency or SSA at specified periods; must maintain certain automated files; must maintain certain safeguards; must maintain statistical records	No	Miss Helen Hamilton Office of Family Assistance Rm. 4111 Switzer Bldg. 330 C Street, S.W. Washington, D.C. 20201 202-245-1676
Protective, Vendor, and Two-Party Payments for Dependents (AFDC)	FINAL (NPRM published 3/2/79)	Policy Significant	An Act to extend certain Social Security Act Provisions and for other purposes (Pub. L. 95-171)	To implement sec. 3 of Pub. L. 95-171 which increases from 10% to 20% the Federal matching funds available to States for the number of individuals for whom protective, vendor, and two-party payments can be made in any month.	Increases from 10 to 20 percent the Federal matching of funds for protective and two-party payments in State AFDC cases. Two-party payment checks require endorsement by the individual and the provider of care.	No	Mr. Clifford Wooldridge Office of Family Assistance Rm. 4111 Switzer Bldg. 330 C Street, S.W. Washington, D.C. 20201 202-245-8817

DELETIONS

SSA REGULATION AGENDA

*Regulatory Analysis

Title	Stage of Development	Classification	Statutory Base	Reason for Deletion	Description	RA*	Contact
Amount of Benefits; Duration of Certain Benefits or Title XVII; Partial Persons	Final	Technical	Unemployment Compensation Amendments of 1976 (Pub. L. 94-566)	To be included in recodification of regulations under "Operation Common Sense."	Deletes tables of increased benefit amounts from existing regulations. Reference is made to basic statutes and to notices in the Federal Register to ascertain current benefit amounts.	No	Mr. Marva Coker Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7463
Unearned Income, One-Third Reduction in Living in Another Person's Household	Final	Policy Significant	Sec. 1612 of the Social Security Act	To be included in recodification of regulations under "Operation Common Sense."	Provides that the standard payment amount for an eligible individual (or couple) who lives in another person's household and receives support and maintenance from such person will be reduced by one-third. The actual value of such support and maintenance is not established.	No	Mr. Sander Weissman Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7460
Medical and Social Services Which Are Not Income	Final	Policy Significant	Sec. 1612 of the Social Security Act	To be included in recodification of regulations under "Operation Common Sense."	Excludes from the SSI definition of income certain medical and social services. This means those furnished in conjunction with any governmental or nongovernmental assistance program based on need.	No	Mr. Henry Lerner Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-7414

DELETIONS

SSA REGULATION AGENDA

*Regulatory Analysis

Title	Stage of Development	Classification	Statutory Base	Reason for Deletion	Description	RA*	Contact
Exclusion from Resources of the Property Essential to Self-Support	Interim	Policy Significant	Social Security Amendments of 1972 (Pub. L. 92-603) and Internal Revenue Code of 1954-- Distilled Spirits Stamp (Pub. L. 94-569)	To be included in recodification of regulations under "Operation Common Sense."	Provides guidelines for determining property essential to self-support is excluded from countable resources under the \$51 program. Also provides that even if income-producing property is associated with the home, the home (including land appertaining to it and buildings on the land) is excluded as a resource regardless of its value or use.	No	Mr. John Modler Office of Regulations 6401 Security Blvd. Baltimore, Md. 21235 301-594-5745
Disregard of Income Earned by Youth (AFDC)	Regulations Proposal	Technical	Youth Employment and Demonstration Act of 1977 (Pub. L. 95-93)	To be included in recodification of regulations under "Operation Common Sense."	Beginning August 5, 1977, earnings received by a youth under Part C of the Comprehensive Employment Act of 1973, shall be disregarded in determining the family's eligibility for, and amount of, any benefit based on need and funded by Federal or federally assisted programs.	No	Mrs. Juanita Henderson Office of Family Assistance Rm 4111 Switzer Bldg. 330 C Street, S.W. Washington, D.C. 20201 202-245-0203
Date When Assistance Begins	Regulations Proposal	Policy Significant	Sec. 206.10(a)(6) of the Social Security Act	Decision made not to change the policy at this time.	This regulation provides that the date of entitlement of assistance must be the first of the month in which the application is received.	No	Miss Alice Stewart Office of Family Assistance Rm. 4111 Switzer Bldg. 330 C Street, S.W. Washington, D.C. 20201 202-245-1694

HHS REGULATIONS AGENDA

New Entries

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
A. Administration on Aging							
1. Grants for State and Community Programs on Aging	Final	Policy Significant	Title III of Older Americans Act of 1965 as Amended.	The 1978 Amendments consolidated into one title the programs previously contained in three separate titles.	Will consolidate and recodify regulations for Social Services, Congregate Nutrition Services and Home-Delivered Nutrition Services	No	Fred Luhn Div. of State & Community Programs, ACA, Room 4649, HEW North Bldg., 330 Independence Ave Wash., D.C. 20201 (202) 245-0107
2. Grants for Indian Tribes	NPRM	Policy Significant	Title VI of Older Americans Act of 1965 as Amended	The 1978 Amendments Established New Program	Will provide a frame work for a new program to provide grants for social services to Indian Tribes and OAA.	No	Same as above.
B. Administration for Children Youth and Families							
Child Welfare Services State Grant Program	NPRM	Policy Significant	Title IV-B of Social Security Act as Amended	Recodification	Will separate and revise regulations for Title IV-B program which are currently intermingled with Title IV-A regulations	No	Frank Ferro Associate Chief Childrens Bureau ACYF/HHS P.O. Box 1182 Wash., D.C. 20013 (202) 755-7418

HDS REGULATIONS AGENDA

New Entries

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
C. Rehabilitation Services Administration							
1. Vocational Rehabilitation and Independent Living Rehabilitation Program	NPFM	Policy Significant	Rehabilitation Comprehensive Services and Developmental Disabilities Amendments of 1978	Required by statute.	Will recodify existing VR regulations and implement new program authorities	No	Harold F. Shay RSA Room 3321 Mary E. Switzer Bldg 330 C St., S.W. Wash., D.C. 20201 (202) 245-0543
2. Developmental Disabilities Programs	NPFM	Policy Significant	Regulation Comprehensive Services and Developmental Disabilities Amendments of 1978	Required by statute.	Will recodify existing Developmental Disability Regulations and implement new program authorities.	No	Same as above
D. Administration for Public Services							
1. Anti-Fraud and Abuse	Final	Policy Significant	Medicare-Medicaid Anti-Fraud and Abuse Act of 1977	Required by statute.	Will require disclosure by title XX private providers of certain ownership interests and other information	No	Mrs. Johnnie Brooks Room 2225 Mary E. Switzer Bldg 330 C Street, S.W. Wash., D.C. 20201 (202) 245-9415

1. NEW ENTRIES (cont'd)

HDS REGULATIONS AGENDA

Title of Regulation	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA*	Contact Person
Administration for Public Services (cont'd)							
2. Retroactive Extension of Period to Bring Service Requirements within Title XX Requirements	Final	Technical	Sec. 1002 of the Social Security Act as Amended	Relieves States from excessive penalty for minor infraction	Will change the rate by which States had to bring service contracts into compliance with title XX requirements	No	same as above
3. Redesignation of OHS Subchapters	Final	Technical	Administrative Procedures Act as Amended	Required by HDS reorganization	Will revise subchapter headings in chapter XIII of title 45, Code of Federal Regulations	No	Mrs. Vilma Guinn HDS Regulations Officer Room 324E HHH Building 200 Independence Ave., S.W. Wash., D.C. 20201
4. Service Programs for Families and Children; Puerto Rico, Guam, Virgin Islands and Northern Marianas	Final	Technical	Title IV-A of the Social Security Act as Amended	To delete references to SRS (an obsolete agency) and relocate regulations to 45 CFR Chapter XIII - Office of Human Development Services	Will relocate certain regulations in 45 CFR, Chapter 11 to 45 CFR Chapter XIII	No	Mrs. Johnnie Brooks Room 2225 Mary E. Switzer Bldg. 330 C St., S.W. Wash., D.C. 20201 (202) 245-9415

1. NEW ENTRIES (cont'd)

HDS REGULATIONS AGENDA

Title of Regulation	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA*	Contact Person
17. Administration for Public Services (cont'd)							
5. Service Programs for Aged, Blind or Disabled Persons	Final	Technical	Titles I, X, XIV and XVI of the Social Security Act as Amended	To delete reference to SRS (an obsolete agency) and relocate regulations to 45 CFR Chapter XIII - Office of Human Development Services	Will relocate certain regulations in 45 CFR chapter II to 45 CFR Chapter XIII	No	Mrs. Johnnie Brooks Room 2225 Mary E. Switzer Bldg. 330 C St., S.W. Wash., D.C. 20201 (202)245-9415
6. Purchase of Services Under Public Assistance Programs; Puerto Rico; Guam; Virgin Islands; Northern Marianas	Final	Technical	Sec. 1102 of the Social Security Act as Amended	"	"	No	same as above
7. Social Service Programs for Individuals and Families - Title XX of Social Security Act	Final	Technical	Title XX of the Social Security Act as Amended	"	"	No	same as above

1. NEW ENTRIES (cont'd)

HDS REGULATIONS AGENDA

Title of Regulation	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA*	Contact Person
18. Work Incentive Program							
1. Registration for WIN and Other Changes	NPRM	Policy Significant	P.L. 94-566	Amendment Requires Regs. Revision	Will require unemployed fathers to register for WIN unless exempt. Failure to register will make entire family ineligible for AFDC. Will allow registration by mail and other changes.	No	Merwin S. Hans Director, Office of WIN Programs, DOL Room 5102 Patrick Henry Bldg. Wash., D.C. 20213 (202)376-6694
2. Work Incentive Program	Final	Technical relocate	Sec. 402(a)(19) Sec. 407 and Title IV-c of the Social Security Act as Amended	To delete references to SRS (an obsolete agency) and relocate regulations to 45 CFR Chapter XIII - Office of Human Development Services	Will relocate regulations in 45 CFR Part 224 to 45 CFR Chapter XIII	No	same as above

HHS REGULATIONS AGENDA

II. Continuation from last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
<u>Administration for Children Youth and Families</u> Child Abuse and Neglect Prevention and Treatment	NPRM	Policy Significant	Child Abuse and Neglect Prevention and Treatment Act of 1974 as Amended	1978 Amendments require regs revision	Will recodify existing regulations and will specify new requirements for grants and contracts for demonstration and service programs and projects.	No	Frank Ferro Associate Chief Childrens Bureau ACYF/HHS P.O. Box 1182 Wash., D.C. 20013 (202) 755-7418

HHS REGULATIONS AGENDA

IV. Deletions

Title	Stage of Development	Classification	Statutory Base	Reason for Deletion	*RA	Contact
<u>A. Administration for Children Youth and Families</u> Child Day Care Standards	Final	Major	Economic Opportunity Act and Title XX	Office of Deputy General Counsel for Regulatory Review now has responsibility for this regulation.		Inez Smith Reid Deputy General Counsel for Regulation Review Rm. 716-E 200 Independence Ave., S.W. Wash., D.C. 20201
<u>B. Rehabilitation Services Administration</u> 1. Evaluation Standards	NPRM	Technical	Rehabilitation Act as amended	No longer required by Rehabilitation Act due to 1978 Amendments		Harold F. Shay RSA Room 3321-MES 330 C St., S.W. Wash., D.C. 20201 (202) 245-0543
2. Business Opportunities for Handicapped Individual	NPRM	Policy Significant	Comprehensive Rehabilitation Services Amendments of 1978	This now part of recodification of all vocational rehabilitation regulations.		Same as above
<u>C. Administration for Public Services</u> Fair Hearings	NPRM	Policy Significant	Sec. 1102 and Sec. 2002 of the Social Security Act as amended	Office of Deputy General Counsel for Regulatory Review now has responsibility for recodification of this regulation.		Mrs. Johnnie Brooks Room 2225 Mary E. Switzer Bld 330 C St., S.W. Wash., D.C. 20201 (202) 245-9415

OFFICE OF THE ASSISTANT SECRETARY FOR PERSONNEL ADMINISTRATION
Regulation Agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	Regulatory Analysis (Yes/No)	Contact
Closing of Advisory Committee Meetings	NPRM	Technical	Federal Advisory Committee Act (5 USC App.1)	Government in the Sunshine Act amended the Federal Advisory Committee Act criterion for closing Advisory Committee meetings	The Department proposes to amend the regulation to conform to the requirements of the Federal Advisory Committee Act as amended by the Government in the Sunshine Act governing closing of Advisory Committee meetings, and to further clarify and supplement the procedures for closing meetings in light of the Congressional intent that the public be allowed the maximum degree of access to these meetings.	No	Robert Tarr Rm. B-630 Trans Point Bldg. Washington, D.C. 20201 Phone: 245-6828

FOOD AND DRUG ADMINISTRATION

* RA - Regulatory Analysis (Yes/No)

FDA REGULATION AGENDA

New entries

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Antigen E Assay	NPRM	Significant	Public Health Service Act	To improve potency test.	This document proposes potency standards for short ragweed pollen extracts. Each final container of a lot of extract will be required to contain a minimum quantity of Antigen E relative to a reference preparation with a known quantity of Antigen E. There is presently no potency requirement for short ragweed pollen extract.	No	A. Rothschild Bureau of Biologics, 11400 Rockville Pike, Rockville, MD. 20205 (301) 443-1306

* RA - Regulatory Analysis
(Yes/No)

New entries

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
RAST Test	NPRM	Significant	do.	To improve potency test.	This document proposes to amend the regulations to require that the Radio-allergosorbent test (RAST) be used as a potency test for numerous allergenic extracts. Presently, no potency test is required.	No	A. Rothschild Bureau of Biologics, 11400 Rockville Pike, Rockville MD. 20205 (301) 443-1306
Anti-HBsAg Samples	NPRM	do.	do.	To reduce required number of samples to be submitted to FDA to those needed for regulatory purposes.	This document proposes to reduce the number of samples manufacturers of Antibody of Hepatitis B Surface Antigen must submit to the Bureau of Biologics following licensing and periodically thereafter.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

New entries

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
CPDA-1 for Platelet Concentrate	NPRM	Significant	do.	To prescribe safe use of anticoagulant.	This document proposes to amend the biologics regulations to permit Platelet Concentrate (Human) and Single Donor Plasma (Human) to be manufactured from Whole Blood (Human) collected in anticoagulant citrate phosphate dextrose adenine solution (CPDA-1). CPDA-1 is a permitted anticoagulant for whole blood, and the dating period for whole blood in CPDA is 35 days vs. 21 days for blood collected in CPD anticoagulant.	No	A. Rothschild Bureau of Biologics 11400 Rockville Pike, Rockville, MD. 20205 (301) 443-1306
Serological Test for Syphilis	NPRM	do.	do.	To delete currently required test determined to be unnecessary.	This proposal will amend the biologics regulation by eliminating the required serological test for syphilis. Current evidence indicates that the test does not contribute significantly to the extremely low incidence of transfusion transmitted syphilis. This proposal is consistent with the recommendations of the Panel on review of blood and blood products.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

New entries

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Reorganize Whole Blood Regulations	NPRM	Significant	do.	To increase donor and product safety and clarity of the regulations.	This document proposes to revise and reorganize Subpart A in Part 640 which prescribes additional standards for Whole Blood (Human). The regulations are being reorganized to reflect, insofar as possible, a logical sequence beginning with the collection of blood and progressing through storage, testing, labeling and issue. This document will also propose substantive amendments of the present requirements.	No.	A. Rothschild Bureau of Biologics, 11400 Rockville Pike, Rockville, MD. 20205 (301) 443-1306

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

New Entries

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Rubella Virus Vaccine	NPRM	Significant	do.	To assure safety of product.	This document proposes to amend the Additional Standards for Rubella Virus to permit the use of human diploid cell strain, WI-38, as a substrate in the manufacture of this product, and define tests for safety required.	No	A. Rothschild Bureau of Biologics, 11400 Rockville Pike, Rockville, MD. 20205 (301) 443-1306
Suspension and Revocation	NPRM	do.	do.	To update and clarify administrative procedures.	This document will amend the general regulations to update and clarify the regulations regarding suspension and revocation of licenses.	No	Do.

New Entries

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Discontinue Certifying U-80 Insulin	Final	Significant	Federal Food, Drug and Cosmetic Act	To reduce the potential for patient errors that result from having insulin available in two high concentrations and syringes calibrated for use with more than one concentration.	Deletes provisions for 80-unit insulin, leaving one high-potency insulin available.	No	Ms. Mary McEnry, Bureau of Drugs, (HFD-30), 5600 Fishers Lane, Rockville, MD 20857, 301-443-3640.
Related Drugs	Final	Significant	do.	Some drug manufacturers, misunderstanding current regulations, continue to submit abbreviated new drug applications for products clearly not subject to such a finding.	Revises the regulations to confine abbreviated new drug applications to products identical to a drug reviewed in the Drug Efficacy Study unless FDA has made a separate finding that an ANDA is acceptable for a related product. Establishes a petition procedure for applicants to request a determination from FDA.	No	Do.
Therapeutic Equivalence Evaluations	Final	Significant	do.	To assure the availability of the information on FDA's criteria and evaluations of prescription drugs.	Adds to FDA's public information regulations a statement that a listing of approved prescription drug products is available. The project entails finalizing policies and criteria for making evaluations of therapeutic equivalence announced in the list.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

New entries

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Xylitol	NPRM	do.	do.	Data has been submitted to the Agency suggesting that Xylitol may not be safe.	This proposed document will both terminate an existing proposal limiting the use of Xylitol in specific dietary products and issue a new proposal to determine its status.	No	Bob Lake Bureau of Foods (HFF-302) 200 C St., S.W. Wash., D.C. 20294 (202)245-1254
Saccharin	NPRM	do.	do.	To protect the public health from a known carcinogen.	If Congress does not enact a further moratorium, FDA intends to repropose the prohibition of saccharin as a food additive.	Yes	Do.
Methyl Salicylate, Oil of Wintergreen	NPRM	do.	do.	To clarify the food additive status of methyl salicylate.	In 1962, a document was published which proposed specific tolerances for methyl salicylate in certain food categories. Because the data does not clearly demonstrate the safety of methyl salicylate, we are currently preparing a document to withdraw this proposal and a new proposal to clarify the status of methyl salicylate.	No	Do.
Caffeine	NPRM	do.	do.	The Select Committee on GRAS Substances of the Federation of American Societies for Experimental Biology (FASEB) has recommended that the Agency interim list direct food uses.	The Agency intends to issue proposals to determine the status of caffeine in soft drinks.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

New entries

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Voluntary Standards Policy	NOI	Significant	Federal Food, Drug, and Cosmetic Act	Assist the development of performance standards under section 514	Advises public and interested organizations of FDA's strategy in developing and assisting voluntary standards activities outside the government.	No	Dr. Carl T. DeMarco Bureau of Medical Devices, 8757 Georgia Ave., Silver Spring, MD (301) 427-7114
Product Development Protocols	NOI	do.	do.	Needed to implement section 515(f)	Sets forth guidelines for contents of Product Development Protocols to enable manufacturers to develop protocols in lieu of investigational device exemptions and premarket approval applications.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

New Entries

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Medicated Feed Task Force Implementation	NPRM	Significant	Federal Food, Drug, and Cosmetic Act	To establish sound and consistent criteria for approval of medicated feed applications.	Amends the regulations to describe criteria for the need of an approved medicated feed application for the manufacture of medicated feeds.	No	R. Brigham Bureau of Veterinary Medicine, 5600 Fishers Lane, Rockville, MD 20857 (301) 443-6243
Neomycin Containing Drugs	NPRM	do.	do.	Additional data are required for effectiveness and safety of residues of neomycin.	To prescribe safe and effective conditions of use.	No	Do.
Sulfonamide Drugs	NPRM	do.	do.	Additional data are required to establish safe tolerances.	The regulations would be amended to set forth additional requirements.	No	Do.
Teat Dips	Final	do.	do.	Currently some products marketed are not recognized as safe and effective.	To establish a regulation prescribing data needed to show teat dips to be safe and effective.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Allergenic Source Material	Final	Significant	Public Health Service Act	To assure safety and identity of source material.	This document prescribes additional criteria for source materials used in the manufacture of a final allergenic product. Specific requirements will be required for the propagation and maintenance of molds and certain animals. Inspection and recordkeeping requirements will apply to all manufacturers of Allergenic Products.	No	A. Rothschild Bureau of Biologics, 11400 Rockville Pike, Rockville, MD. 20205 (301) 443-1306
Additional Standards for Insect Venoms	NPIM	do.	do.	To assure safety and identity of source material.	This document proposes requirements for source materials used in the manufacture of allergenic products derived from insect venoms.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Additional Standards for Source Materials (Pollens)	NPIM	Significant	do.	To assure safety and identity of source material.	This document proposes requirements for source materials used for manufacture of allergenic products derived from pollens.	No	A. Rothschild Bureau of Biologics, 11400 Rockville Pike, Rockville, MD. 20205 (301) 443-1306
Error and Accident Reports	NPIM	do.	do.	To better assess the adequacy of existing regulations.	This document proposes to require licensed and unlicensed blood establishments to submit reports to FDA of errors and accidents that are imminent health hazards.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Continuation from the last agenda

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Commonality of blood labeling	NPIIM	Significant	do.	To facilitate uniformity in blood labeling.	This document proposes to amend the blood labeling regulations as recommended by the American Blood Commission, Committee for Commonality in Blood Banking Automation.	No	A. Rothschild Bureau of Biologics, 11400 Rockville Pike, Rockville, MD. 20205 (301) 443-1306
Notification of MA Regarding Adverse Reactions	NPIIM	do.	do.	To increase the FDA's effectiveness in regulating biological products.	This document proposes to require that manufacturers notify FDA of reports of adverse reactions from use of their products.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Continuation from the last agenda

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Panel on Review of Skin Test Antigens	Final	Significant	do.	To bring products into conformance with current standards of safety and effectiveness.	This document will finalize a proposal, placing the subject products in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.	No	A. Rothschild Bureau of Biologics, 11400 Rockville Pike, Rockville, MD. 20205 (301) 443-1306
Panel on Review of Allergenic Extracts	NPIIM	do.	do.	To bring products into conformance with current standards of safety and effectiveness.	This document proposes to place the subject products in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Continuation from the last agenda

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Panel on Review of Viral Vaccines and Hickettsial Vaccines	NPRM	Significant	do.	To bring products into conformance with current standards of safety and effectiveness.	This document proposes to place the subject products in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.	No	A. Rothschild Bureau of Biologics, 11400 Rockville Pike, Rockville, MD. 20205 (301) 443-1306
Panel on Review of Blood and Blood Products	NPRM	do.	do.	To bring product into conformance with current standards of safety and effectiveness.	This document proposes to place the subject products in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Continuation from the last agenda

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Panel on Review of Bacterial Antigens and Bacterial Vaccines with U.S. Standard of Potency	NPRM	Significant	do.	To bring products into conformance with current standards of safety and effectiveness.	This document proposes to place the subject products in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.	No	A. Rothschild Bureau of Biologics, 11400 Rockville Pike, Rockville, MD. 20205 (301) 443-1306

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Antibiotic Certification; Selective testing	Final	Significant	Federal Food, Drug and Cosmetic Act	To provide more efficient utilization of the agency's manpower resources and more efficient certification procedures.	Establishes a procedure whereby FDA can eliminate unnecessary duplicative testing in its laboratories.	No	Ms. Mary McEntry, Bureau of Drugs, (HFD-30), 5600 Fishers Lane, Rockville, MD 20857 301-443-3640
Obligations of Sponsors and Monitors of Clinical Investigations	Final	do.	do.	To provide greater protection of the rights and safety of subjects in clinical investigation and help assure the quality and integrity of the research data used to support the marketing of products regulated by FDA.	Establishes procedures to be followed by a sponsor and a monitor before initiating, and during the course of a clinical investigation involving the use of a drug, medical device, food or color additive, cosmetic, or electronic product.	No	Do.
Obligations of Clinical Investigators	Final	do.	do.	To provide greater protection of the rights and safety of subjects in clinical investigations and help assure the quality and integrity of the research data used to support the marketing of products regulated by FDA.	Clarifies existing regulations governing conduct of persons who conduct clinical investigations on new drug products and extends the regulations to include persons who conduct clinical investigations on medical devices, food or color additives, cosmetics, and electronic products.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Methadone; Revision of Medical Standards	Final	Significant	Federal Food, Drug and Cosmetic Act and Narcotic Addict Treatment Act of 1974	Experience with methadone program suggests need to revise standards.	Revises the medical standards for methadone treatment programs by allowing the medical director of a program to exercise greater discretion in applying the required basic clinical standards (for example, on staffing patterns, criteria for admission, and frequency of urine testing). To be published jointly with The National Institute of Drug Abuse.	No	Ms. Mary McEntry, Bureau of Drugs, (HFD-30), 5600 Fishers Lane, Rockville, MD 20857 301-443-3640
Abbreviated New Drug Applications for Post-1962 Drugs	NPRM	do.	Federal Food, Drug, and Cosmetic Act	To reduce unnecessary human testing of drugs.	Proposes to permit the filing of abbreviated new drug applications for post-1962 drugs by establishing criteria for their submission.	No	Do.
Current Good Manufacturing Practice Regulations for Large Volume Parenterals	Final	do.	do.	To assure a high quality of manufacturing for these products, which are used in seriously ill patients.	Establishes current good manufacturing practices of a class of parenteral drug products that can be characterized as terminally sterilized, aqueous solutions of 100 ml or more.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Requirements for designating the manufacturer's name on a drug or drug product's label	Final	Significant	Federal Food, Drug and Cosmetic Act	To enable interested persons to determine the relationship of the person whose name is on the label to the product.	Specifies the conditions under which a person may be identified on a drug or drug product's label as its manufacturer. This action revokes the agency's "man-in-the-plant" policy, which has been used to determine who may be identified on a drug or drug product's label as a manufacturer. Also specifies the qualifying phrases with which packers and distributors could be identified on a drug or drug product's label.	No	Ms. Mary McEntry, Bureau of Drugs, (HFD-30), 5600 Fishers Lane, Rockville, MD 20857 301-443-3640
Prescription Drug Labeling	Final	do.	do.	To improve the quality of physician labeling of prescription drugs.	Specifies the content and format of physician labeling for human prescription drugs. The rule designates a required format and provides detailed standards on the kind of information that must be included under each of the specific section headings of the format.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Oral Hypoglycemic Labeling	Final	Significant	Federal Food, Drug and Cosmetic Act	To update the physician labeling based on current knowledge about these drugs.	Requires additional statements in the labeling of oral hypoglycemics about increased cardiovascular deaths attributed to their use and directs the physician to discuss these risks and alternative therapy with the patient.	No	Ms. Mary McEntry Bureau of Drugs, (HFD-30) 5600 Fishers Lane, Rockville, MD 20857 301-443-3640
Ethylene Oxide	Final	do.	do.	Because of possible adverse effects of residues of ethylene oxide and its major reaction products.	Establishes interim residue limits for ethylene oxide and its two reaction products, and ethylene chlorohydrin and ethylene glycol, in humans and veterinary drug products and medical devices, and maximum daily levels of exposure for drug products where ethylene oxide is used as a sterilant during the manufacturing process.	No	Do.
Fetal Alcohol Syndrome: Required Warning for Drugs Containing Alcohol	NPRM	do.	do.	To inform interested persons of the evidence of a causal relationship between alcohol consumption by pregnant women and deformities in their unborn children.	Proposes to require a warning on physician labeling for oral prescription drugs and oral OTC drugs that contain certain amounts of alcohol.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Policy on Patient Labeling for Prescription Drugs	NPRM	Significant	Federal Food, Drug and Cosmetic Act	To inform patients about the prescription drug products prescribed for them.	Proposes the agency's overall policy on patient labeling for prescription drugs. Contains minimum general requirements for the content, printing specifications, and distribution of labeling and would provide for the availability of guideline labeling to meet the proposed requirements.	Not yet determined	Ms. Mary McEniry, Bureau of Drugs, (HFD-30) 5600 Fishers Lane, Rockville, MD 20857 301-443-3640
FD&C Yellow No. 5	Final	do.	do.	To inform consumers of the presence of FD&C Yellow No. 5 in drug products.	Requires a label declaration on all foods, drugs, and cosmetics containing FD&C Yellow No. 5.	No	Do.
Revision of Investigational Drug and New Drug Application (IND/NDA) Regulations	NPRM	do.	do.	To improve the IND/NDA review process and make the approval of new drugs more efficient.	Proposes to revise the IND/NDA regulations to improve the efficiency of FDA's operation and to update and refine its internal policies in reviewing, processing, and communicating with sponsors and applicants on IND's and NDA's. The revision would more formally structure the IND phase so that if a drug reaches the NDA stage it would be essentially approvable.	No	DO.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Legal Status of Approved Labeling	NPRM	Significant	Federal Food, Drug and Cosmetic Act	To clarify agency policy in the use of drugs not in accordance with their labeling.	Proposes to distinguish between non-labeled and disapproved uses of prescription drugs and the impact of such use in the practice of medicine and in research.	No	Ms. Mary McEniry, Bureau of Drugs, (HFD-30) 5600 Fishers Lane, Rockville, MD 20857 301-443-3640
Public Disclosure of Specifications	Final	do.	do.	To ensure that adequate public specifications are available for all drugs.	Provides for the disclosure of specifications submitted to the agency by the manufacturer, unless the specifications serve no regulatory or compliance purpose, and are exempt as trade secrets, and have not previously been publically disclosed.	No	Do.
Advertising Regulations for Prescription Drug Products	NOI	do.	do.	To improve prescription drug advertising and promotional labeling.	Proposes to revise the present regulations to provide clear requirements for modern advertising techniques and to clarify and establish additional requirements for promotional labeling.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Labeling of Yellow No. 5 in Foods and Drugs	Final	Significant	Federal Food, Drug, and Cosmetic Act.	Scientific data demonstrates the need to establish labeling requirements to provide for the safe use of FD&C Yellow No. 5.	This final regulation would require the labeling of FD&C Yellow No. 5 in foods and ingested drugs containing the color because of several documented incidences of allergic-type reactions to FD&C Yellow No. 5.	No	Bob Lake, Bureau of Foods (HFF-302) 200 C. Street, S.W. Washington, D.C. 20204 (202) 245-1254
Areas of Principal Display Panel.	Final	do.	do.	To provide a more uniform basis for determining size and other labeling requirements.	This proposal, which would have revised the definition for the area of the principal display panel which is used for determining type-size and other labeling requirements, is being reconsidered and may be withdrawn.	No	Do.
Milk, Cream and Cheese Substitutes	Final	do.	do.	To promote honesty and fair dealing in the interest of consumers	This regulation would establish standards of identity for milk, cream, and cheese substitutes.	No.	Do.
Orange Juice with Preservatives Identity.	Final	do.	do.	do.	This final regulation would amend the standard of identity for orange juice with preservatives and concentrated orange juice with preservatives.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Nutritional Quality Guideline for Fruit or Vegetable Type Beverage Products Requiring Vitamin C.	Final	do.	do.	To provide consistency in added Vitamin C in those beverages and to provide that such additions are nutritively significant.	This final regulation would establish NQG for fruit or vegetable beverage products containing Vitamin C.	No	Do.
General Principles for the Addition of Nutrients to Food.	Notice	do.	do.	To provide a guideline by which nutrients could be added to foods in a most appropriate pattern and potency.	This notice would clarify a FDA policy concerning the nutrient fortification of food. This policy is expressed as a series of principles which manufacturers are urged to follow if they elect to add nutrients to a particular food or class of foods.	No	Do.
Cholesterol-free Egg Substitute--Petitions for Reconsideration.	NPRM	do.	do.	To establish consistency in labeling of cholesterol content of foods.	The broad issue of cholesterol labeling needs to be discussed and a policy established. The issue is one that is undergoing considerable study in the Bureau. This proposal deals with the issue of the term cholesterol-free being used in the name of food products.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Labeling of Yellow No. 5 in Foods and Drugs	Final	Significant	Federal Food, Drug, and Cosmetic Act.	Scientific data demonstrates the need to establish labeling requirements to provide for the safe use of FD&C Yellow No. 5.	This final regulation would require the labeling of FD&C Yellow No. 5 in foods and ingested drugs containing the color because of several documented incidences of allergic-type reactions to FD&C Yellow No. 5.	No	Bob Lake, Bureau of Foods (HFF-302) 200 C. Street, S.W., Washington, D.C. 20204 (202) 245-1254
Areas of Principal Display Panel.	Final	do.	do.	To provide a more uniform basis for determining size and other labeling requirements.	This proposal, which would have revised the definition for the area of the principal display panel which is used for determining type-size and other labeling requirements, is being reconsidered and may be withdrawn.	No	Do.
Milk, Cream and Cheese Substitutes	Final	do.	do.	To promote honesty and fair dealing in the interest of consumers.	This regulation would establish standards of identity for milk, cream, and cheese substitutes.	No.	Do.
Orange Juice with Preservatives Identity.	Final	do.	do.	do.	This final regulation would amend the standard of identity for orange juice with preservatives and concentrated orange juice with preservatives.	No	Do.

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	*RA	Contact
Nutritional Quality Guideline for Fruit or Vegetable Type Beverage Products Requiring Vitamin C	Final	do.	do.	To provide consistency in added Vitamin C in those beverages and to provide that such additions are nutritively significant.	This final regulation would establish NQO for fruit or vegetable beverage products containing Vitamin C.	No	do.
General Principles for the Addition of Nutrients to Food.	Notice	do.	do.	To provide a guideline by which nutrients could be added to foods in a most appropriate pattern and potency.	This notice would clarify a FDA policy concerning the nutrient fortification of food. This policy is expressed as a series of principles which manufacturers are urged to follow if they elect to add nutrients to a particular food or class of foods.	No	do.
Cholesterol-free Egg Substitute—Petitions for Reconsideration	NPRM	do.	do.	To establish consistency in labeling of cholesterol content of foods.	The broad issue of cholesterol labeling needs to be discussed in a policy established. The issue is one that is undergoing considerable study in the Bureau. This proposal deals with the issue of the term cholesterol-free being used in the name of food products.	No	do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Common or Usual Name for Substitutes for Margarine or Butter.	Final	do.	do.	To provide consistency in the labeling of substitutes for margarine or butter.	This final regulation would identify a name like vegetable oil spread. The butter industry has called attention to the FTC Act which has requirements for labeling margarine. FDA does not define the low fat products as margarine.	No	Do.
Proposal for Common or Usual Name for Diluted Vegetable Juice Beverages.	Final	do.	do.	To provide consistency in the labeling of these beverages especially in respect to juice content.	This final regulation would establish a common or usual name for diluted fruit or vegetable juice beverages.	No	Do.
Fruit Flavored Spreads	Final	do.	do.	To provide consistency in the labeling of substitutes for jellies and preserves.	This final regulation would establish a common or usual name regulation for fruit flavored spreads.	No	Do.
Infant Food, Junior Food, Toddler Meal.	Final	do.	do.	To give the consumer the opportunity to know the relative proportions of the principal ingredients in foods for infants.	This final regulation would require percentage declaration of characterizing ingredients as part of the statement of identity. This issue should be resolved as a distinct but related matter to the label statements relating to infant foods.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Label Statements Relating to Infant Foods.	Final	do.	do.	do.	This final regulation would require percentage declaration of ingredients of infant foods.	No	Do.
Plant Protein-Common or Usual Names for Foods, Vegetable Protein Products which Resemble and Substitute for Meats, Seafood, Poultry, Eggs, or Cheese.	Final	do.	do.	To provide consistency in the labeling and in the nutrient content of vegetable protein substitutes for the 5 major protein foods.	This final regulation would establish common or usual names for vegetable protein products and names and definitions of nutritional equivalence for the 5 major protein foods.	No	Do.
Revocation of Use of Morpholine.	NPRM	do.	do.	To expand the scope of a previous proposal.	This notice will withdraw the proposal to revoke the use of morpholine and a new proposal will issue.	No	Do.
GRAS-Whey, Whey Products and Hydrogen Peroxide Used in Whey Treatments.	NPRM	do.	do.	To establish safe uses of certain milk proteins.	This proposal would establish common or usual names and affirm the GRAS status for whey and whey products. This is the result of 10 GRAS petitions. These dried whey products have numerous potential uses in food, including sources of milk protein and use as milk solids where not exempted by food standards.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Use of Food Preservative BHT.	Final	do.	do.	To reevaluate the safety of all GRAS food ingredients.	This final regulation would establish an interim food additive level for BHT.	No	Do.
Use of Chloride Gas in an Aqueous Solution.	NPRM	do.	do.	To establish safe uses of chlorine as a sanitizing agent.	This proposal would establish GRAS conditions of use for chlorine food sanitizers. This is the result of 12 GRAS petitions for users of chlorine, hypochlorous acid, and chlorine dioxide as food sanitizing solutions.	No	Do.
Annatto Extract, Paprika Oleoresin, and Turmeric Oleoresin.	Final	do.	do.	New data indicates the need to prohibit the use of the solvent for these color additives.	This final regulation would prohibit use of trichloroethylene as a solvent in these color additives.	No	Do.
Trichloroethylene	Final	do.	do.	New data indicates the need to prohibit the use of the solvent.	This final regulation would prohibit trichloroethylene in human food because it may pose a risk of cancer.	No	Do.
Lead Contamination of Food.	NPRM	do.	do.	To clarify FDA's policy regarding lead contamination of food.	This proposal would be an advance notice of proposed rulemaking which will set out FDA's policy regarding lead contamination of food products.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Aflatoxin in Peanuts	Final	do.	do.	To prevent avoidable residues of aflatoxins in peanuts and peanut products.	This final regulation would set tolerances for aflatoxin in peanuts.	No	Do.
Polychlorinated Biphenyls, Proposed Reduction of Tolerance.	Final	do.	do.	To reduce human exposure to PCB's.	This final regulation will reduce tolerances for PCB's in various foods and feed. It includes proposed reduction of fish tolerance from 5 ppm to 2 ppm.	No	Do.
Interstate Conveyance-Catering Point Sanitation.	NPRM	do.	Public Health Service Act	To protect against insanitary conditions revolving around catering operations involved with interstate conveyances carrying food in interstate commerce.	This proposal would establish sanitation requirements for caterers to interstate conveyances carrying food in interstate commerce.	No	Do.
Interstate Conveyance on Board Food Service Operations.	NPRM	do.	do.	To protect against insanitary conditions on interstate conveyances which carry food in interstate commerce.	This proposal would establish sanitation requirements for interstate conveyances carrying food in interstate commerce.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Continuation from the last agenda.

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Bubble Bath Products Warnings.	Final	do.	Federal Food, Drug and Cosmetic Act.	To caution the consumers as to possible problems which may occur while using these products.	On January 25, 1977, a notice was published proposing a required caution statement on labels of cosmetic bubble bath products. The caution statement was proposed in light of many consumer complaints of rashes and genito-urinary tract infections. The term "bubble bath product" is defined for the purpose of the regulation.	No	Do.
CTFA Cosmetic Ingredient Dictionary.	Final	do.	do.	To provide industry with a uniform nomenclature of cosmetic ingredients.	This final regulation would finalize recognition of the CTFA (Cosmetic, Toiletry, and Fragrance Association, Inc.) Cosmetic Ingredient Dictionary, Second Ed., 1976, as petitioned by the CTFA, as a new source of ingredient names adopted for use in cosmetic ingredient labeling. On the initiative of the Commissioner, the document also lists several supplements and new editions of other currently recognized compendia which are proposed for adoption.		Do.

* RA - Regulatory Analysis
(Yes/No)

Continuation from the last agenda.

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Food Labeling, Designation of Ingredients re: Nutritive Sweeteners.	NPRM	do.	do.	To provide flexibility in the labeling of sweeteners without depriving the consumer of information.	This proposal is the result of several petitions requesting some form of exemption for identification of specific sweetening ingredient. The broad issue of ingredient labeling of sweeteners in foods as it relates to health and nutrition is one designated for considerable study in the Bureau of Foods.	No	Do.
Standard of Identity for Concentrated Tomato Juice and Concentrated Tomato Products.	Final	do.	do.	To promote honesty and fair dealing in the interest of consumers.	This regulation would establish a standard of identity for tomato juice from concentrate and revise the standards of identity for tomato juice and concentrated tomato products.	No	Do.
Solid Contents Statement on Canned Fruit and Vegetable Products.	Final	do.	do.	To promote honesty and fair dealing in the interest of consumers.	This final regulation would provide an alternative to drained weight labeling by proposing filled weight labeling requirements.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Frozen Strawberries Minimum Strawberry Content and Percentage Labeling of Sirup and Dry Sweetener Packs.	Final	do.	do.	do.	This regulation would establish a minimum strawberry content and percentage labeling of sirup and dry sweetener packs for frozen strawberries.	No	Do.
Use of Sodium Nitrite in Smoked Fish and Sodium Nitrate in Home Curing Pre-Mixes.	NPRM	do.	do.	Data indicate use of nitrate is not needed and that additional safety data is needed for nitrite.	Two documents are being prepared for this issue: (1) a notice of withdrawal of the November 3, 1972 proposal to eliminate certain uses of nitrates and nitrites, and (2) a new proposal to revoke the use of nitrates and nitrites in smoked fish and pet food and to interim list use of sodium nitrite in smoked fish.	No	Do.
Proposed Regulations for Lakes (pigments).	NPRM	do.	do.	To establish listing regulations for the use of color additive lakes under the color amendments	In 1965 a document was published which proposed to list the lakes of the colors. Because of deficiencies in this proposal, we are currently preparing documents to revoke it and request more information on lakes which are now provisionally listed.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Color Certification-- Procedures for Non-conforming Batches.	Notice	do.	do.	To establish guidelines which formalize the procedures used in certification of colors.	This notice would establish guidelines for the certification of color additives to prescribe procedures for the rejection of samples submitted for certification on the basis of analytical response, when the substance causing the response is unidentified.	No	Do.
U.S. Recommended Daily Allowance for Manganese.	NPRM	do.	do.	To establish US RDA for manganese so that it can be properly declared as a percentage in foods and supplements.	This proposal would add manganese to the list of US RDA's.	No	Do.
Hair Dyes Containing Animal Carcinogen 4MPPD.	Final	do.	do.	To inform consumers as to the possible dangers regarding these hair dyes.	This final regulation would require a warning statement on the label of hair dyes containing animal carcinogen 4MPPD.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Proposed Revision of Temporary Tolerances.	Final	do.	do.	To update the temporary tolerances for provisionally listed color additives to be consistent with current scientific data.	Section 81.25 prescribes temporary tolerances for the use of certain provisionally listed color additives pending a decision on their "permanent" listing. These were developed on the basis of early preliminary toxicity data. The proposed revision of this section would change the tolerances for most of the colors in Section 81.25.	No	Do.
Procedural Regulations for Medical Device Colors.	NPRM	do.	do.	To implement the provisions of the Medical Device Amendments of 1976 as they pertain to color additives.	The Medical Device Amendments were passed in 1976. These proposed regulations for medical devices would amend the color additive regulations to provide for the issuance of regulations.	No	Do.
Liquid Protein Products Warning Statement.	Final	do.	do.	To inform potential consumers of the possible dangers of use of liquid protein products.	This tentative final regulation would set forth label warning requirements for protein supplements that may be used in weight reduction or weight maintenance programs.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Revision of Nutrient Specifications for Infant Formulas.	NPRM	do.	do.	To update and clarify the present regulation requirements to reflect current knowledge and, if possible, be consistent with Codex Alimentarius.	This proposal would amend 21 CFR 105.65 ("Infant Foods") to accommodate some changes recommended by the American Academy of Pediatrics in the "standards for (infant) formulas." In this proposal we shall also handle the issue of other nutrients for nutritional adjuncts (e.g., inositol) which are appropriate for addition to infant formulas (and, incidentally, medical foods).	No	Do.
Labeling of Sodium and Potassium Content of Foods.	NPRM	do.	do.	To give the consumers an opportunity to regulate their intake of sodium acid potassium.	This proposal would amend Section 105.69 ("foods used to regulate sodium--and potassium--intake") to change the present mode of declaring sodium content and to add a description of how potassium content is also to be declared. There shall also be a new paragraph in Section 101.17 ("Food Labeling warning statements") to provide for warnings regarding potassium content on labels of some salt substitutes.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Reaction	RA	Contact
Upper Limits Generally Recognized as Safe for Vitamins A and D.	NPRM	do.	do.	To provide a realistic and safe limit for the use, in food and supplements, of these two fat-soluble vitamins which, being stored in the body, can accumulate to produce toxic reactions.	It is our intention to establish through this proposal upper levels of Vitamins A and D in dietary supplements that are considered GRAS and require food additive petitions for higher use levels.	No	Do.
Upper Limits of Safe Use of Nutritionally Essential Minerals.	NPRM	do.	do.	To provide for safe use of various minerals added to foods and supplements for nutritional purposes.	It is our intention to establish through this proposal upper levels for safe addition of nutritionally essential minerals to foods. Examples of these minerals are chromium, manganese, molybdenum, nickel, selenium, tin, vanadium, copper and zinc. Safety is partly predicated on the nature of the chemical compound which is the vehicle for the respective mineral. Each can be toxic at amounts which may be used in some foods, especially dietary supplements. Unlimited addition of these substances to foods could lead to chronic toxicity.		Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda.

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Reaction	RA	Contact
Specifications for Acceptable Bioavailability of Iron and Other Nutrients.	NPRM	do.	do.	To assure that iron and other nutrient substances used for nutrient supplement purposes will be nutritionally useful.	The intention of this proposal is to discriminate between acceptable and unacceptable nutrient source compounds or naturally occurring substances on the basis of the nutrient's ability to be absorbed and biologically utilized as a nutrient. Initial action will be to describe the appropriate degree of bioavailability for iron which is to be added to food and the method to determine its bioavailability separately or from a specific food system.	No	Do.
Formulated Food Products Used Under Medical Supervision.	NPRM	do.	do.	To provide assurance that these special foods are adequate and appropriate for their specific intended uses.	It is the intention through this proposal to formally classify these formulated food products as "foods for special dietary use" in Part 105, to provide mandatory as well as optional (but desirable) information in the labeling. This regulation might be designed along the lines of Section 105.65 CFR ("infant foods") although a companion regulation in	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Continuation from the last agenda.

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
					Subpart C (now "reserved") may be important to describe some special features about the composition and professional literature which would be unique for this class of product. Subpart C might then be titled "Guidelines for quality and labeling."		
Hair Dyes Containing Animal Carcinogen 2, 4TDA, 2NPPD, 2NPAP, and 4COPD.	NPRM	do.	do.	To inform consumers as to the possible dangers regarding these hair dyes.	This document would propose a warning statement on the label of hair dyes containing animal carcinogen 2, 4TDA, 2NPPD, 2NPAP, and 4COPD, if the National Cancer Institute report confirms that they are carcinogens.	No	Do.
Smoked Fish GMP.	NPRM	do.	do.	To ensure safe manufacturing practices for smoked fish.	This proposal would revise the GMP regulation for the smoked fish industry.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Continuation from the last agenda.

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Safety of Certain Food Ingredients: Sucrose and Corn Sugar.	NPRM	do.	do.	To reevaluate the safety of all GRAS food ingredients.	Proposal would affirm the GRAS status of sucrose and corn sugars.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Premarket Approval Procedures	NPRM	Significant	Federal Food, Drug, and Cosmetic Act	Required under Section 515(b)(1)	Provides requirements for submission of premarket approval applications, including safety and effectiveness requirements for all class III medical devices.	No	Dr. Carl T. DeMarco Bureau of Medical Devices, 8757 Georgia Ave., Silver Spring, MD 20910 (301) 427-7114
Classification of Preenactment Devices	NPRM	do.	do.	Required under Section 513(c), (d)	Classifies all medical devices marketed prior to May 28, 1976, into three regulatory control categories. The classifications are based on the recommendations of 8 expert advisory panels.	No	Do.
Performance Standards Procedural Regulation	Final	do.	do.	Needed to implement Section 516.	Prescribes procedures by which performance standards will be established, developed, and promulgated for all class II medical devices.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Investigational Device Exemptions	Revised Final	Significant	do.	Required under Section 520(g)(2)(A)	Provides requirements for conducting clinical studies and investigations of medical devices used with human subjects.	No	Do.
Restricted Devices Regulations	NPRM	do.	do.	Needed to set forth restricted device standards	Sets forth the criteria for determining which devices are restricted devices	No	Do.
Mandatory Device Experience Reporting	NPRM	do.	do.	To provide FDA with information on devices that are unsafe or ineffective	Sets forth mandatory reporting requirements for manufacturers and distributors for devices that (1) cause or could cause death or injury, or (2) are the subject of a corrective action.	No	Do.
Applications for Exemption from Preemption for State and Local Hearing Aid Requirements	Final	do.	do.	Response to petitions	Responds to 19 State applications for exemption from preemption for hearing aid requirements.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Recommendations Concerning Mammography Screening	NOI	Significant	Public Health Service Act	Guidance on when mammography screening is appropriate	Mammography screening of the general population of asymptomatic women has been recommended by various organizations including the American Cancer Society and the American College of Radiology. Because of the potential cancer risks, NIH recently convened an expert committee to review these issues and to develop guidelines for the mammography screening project being supported by NCI. A Notice of Intent will be published which will seek to obtain information and opinion concerning such questions as the population to be screened, the usefulness of a base-line mammogram, etc. Interim guidelines will also be proposed as part of the Notice. These will be based primarily on the recommendations made by the NIH expert committee.	No	Mr. Michael S. Terpilak, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, MD 20857 301/443-3426
Nuclear Medicine Quality Assurance of Scintillation Cameras	NOI	do.	do.	To minimize radiation exposure while obtaining high quality diagnostic information	Quality assurance procedures, which include quality control procedures, are needed broadly in nuclear medicine to assure maximum benefit from nuclear medical techniques, consistent with obtaining high quality images at minimum	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Nuclear Medicine Quality Assurance of Scintillation Cameras	NOI	Significant	Public Health Service Act	To minimize radiation exposure while obtaining high quality diagnostic information	Continued cost and minimum radiation dose to the patient. Voluntary recommendations, to be based on BNH technical reports, will be developed in cooperation with representatives of professional, public and private groups that have an interest and knowledge in the field. These recommendations therefore, would represent a consensus of expert opinion upon which individual practitioners and allied health personnel can rely and would be implemented through educational programs and cooperative activities with professional organizations and State health agencies.	No	Mr. Michael S. Terpilak, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, MD 20857
Recommendations for Diagnostic Examinations	NOI	do.	do.	To get public opinion on need and type of action program to narrow range of exposure from diagnostic x-ray procedures	There exists a considerable range in the entrance skin exposure and the resulting organ doses for the same x-ray procedure conducted at different medical facilities and often within the same facility. Radiation exposure recommendations are being investigated that will permit radiologists, radiation protection personnel, and others to evaluate exposure values used in a given	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Recommendations for Diagnostic Examinations	NOI	Significant	Public Health Service Act	To get public opinion on need and type of action program to narrow range of exposure from diagnostic x-ray procedures	--Continued facility. Following the analysis of the comments generated by the Notice of Intent, a program decision will be made as to the course of action the Bureau will pursue.	No	Mr. Michael S. Terpilak, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, MD 20857
Recommendations for Routine Chest X-ray Screening for Cardio-pulmonary Disease	NOI	do.	do.	To get public opinion on need and content of recommendations concerning use of chest x rays in screening programs	The Bureau is evaluating the use of chest x-ray examinations as part of routine screening programs in the detection of cardiopulmonary disease. Numerous studies have shown that routine chest x-ray screening of asymptomatic persons for certain types of pathology is neither efficacious nor cost effective. The Bureau has prepared a preliminary analysis report evaluating the impact of the Department's 1972 Policy Statement on Routine Chest X-ray Screening.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Phototherapy Recommendations	NOI	Significant	Public Health Service Act	To minimize risks of ultraviolet radiation exposure in treatment of psoriasis	In this Notice, FDA is announcing that radiation safety guidelines are to be developed and proposed for equipment used as a radiation source (in combination with the drug, psoralen) in the photochemotherapy of psoriasis. Psoriasis is a disfiguring, often incapacitating, disease of the skin that affects 1 to 3 pct. of the world's population. Derivatives of the drug psoralen are currently being used, along with an ultraviolet radiation source, to treat this disease.	No	Mr. Michael S. Terpilak, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, MD 20857 301/443-3426
Recommendation Advocating Use of Improved X-ray Intensifying Screens	NPRM	do.	do.	Reduction of patient exposure by advocating use of high speed x-ray intensifying screens	Recent advances in the manufacture of x-ray intensifying screens offer the opportunity for significant reductions in x-ray exposure to patients for many radiological examinations. The new generation of phosphor materials could enable the performance of many radiological examinations with exposure reductions of one-half or more over previous imaging systems without loss of image quality. It is proposed to develop an FDA radiation protection recommendation designed to	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Recommendation Advocating Use of Improved X-ray Intensifying Screens	NPRM	Significant	do.	Reduction of patient exposure by advocating use of high speed x-ray intensifying screens	Continued encourage rapid adoption of these imaging systems. Such a recommendation, supplemented by performance data on the new intensifying screens, could provide the incentive for facilities to use these newer imaging systems sooner than otherwise would occur.	No	Dr. Michael S. Terpilak, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, MD 20857 301/443-3426
Recommendation for Utilization of Skull Radiography Following Trauma	NOI	do.	do.	To get public opinion on need and form of action program to eliminate unnecessary skull radiographs	Literature and several clinical studies support the contention that the number of X-ray examinations of the skull for trauma could be reduced by as much as 40 pct. without adversely affecting the quality of health care. The Bureau has prepared a preliminary analysis of the use of skull radiography following trauma, and is supporting a study to survey several clinical facilities to more adequately define the problem. Data from this study will lead to the development of questions and concepts for recommendations which are expected to be	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Recommendation for Utilization of Skull Radiography Following Trauma	NOI	Significant	do.	To get public opinion on need and form of action program to eliminate unnecessary skull radiographs	Continued published in a Notice of Intent. Following analysis of the comments generated by the Notice, the program will be reviewed and a decision made concerning its future.	No	Do.
Advisory Opinions and Recodification	Final	do.	do.	Clarification and updating of performance standard for diagnostic x-ray equipment	These amendments will codify various interpretations and advisory opinions under which the Bureau currently operates. In addition, the section on assembly and reassembly of diagnostic X-ray systems and components will be moved from § 1000.16 to § 1020.30(p) in order to incorporate the provisions into the body of the standard.	No	Do.
Recommendations for State and Local Agencies Concerning Accidental Radioactive Contamination of Human Food and Animal Feeds	NPRM	do	do.	To define levels of dose commitments which necessitate protective actions after a release of radioactive material	The proposed recommendations would consist of Protective Action Guides (PAGs), defined as the projected radiological dose equivalent or dose commitment in individuals in the general population that warrants protective action following a release of radioactive material. The Department of Health, Education, and Welfare was assigned agency	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description -- Continuation	RA	Contact
Recommendations for State and Local Agencies Concerning Accidental Radioactive Contamination of Human Food and Animal Feeds	NPRM	Significant	do.	To define levels of dose commitments which necessitate protective actions after a release of radioactive material	responsibility for this task in the FEDERAL REGISTER of December 24, 1975 (40 FR 59494) by the Federal Preparedness Agency, General Services Administration. Within HEW, this function has been delegated to the Commissioner of Food and Drugs.	No	Do.
Regulatory Standard for Mercury Vapor Lamps	Final	do.	do.	To reduce risk of ultraviolet radiation exposure from broken mercury vapor lamps	This Agency has decided to develop a regulatory product safety standard for high intensity mercury vapor discharge lamps. A potential radiation hazard associated with the use of such lamps occurs when the outer bulb of the lamp is broken while the inner arc tube of the lamp continues to operate. This results in the emission of hazardous short wavelength ultraviolet radiation. The injury reports received by this Agency further indicate an acute radiation hazard from broken mercury vapor lamps. The standard is intended to reduce the possibility of such injuries.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description -- Continuation	RA	Contact
Regulatory Standard for Mercury Vapor Lamps	Final	Significant	do.	To reduce risk of ultraviolet radiation exposure from broken mercury vapor lamps	by requiring that some performance safety feature be incorporated into the lamp for general lighting purposes so that the lamp will cease operation within a short period of time following the breakage of the outer envelope. Lamps without such a safety feature shall be limited to restricted uses only. Further, adequate information for the safe use of both types of lamps is also required to be provided to the user.	No	Do.
Regulatory Standard for Microwave Diathermy	NPRM	do.	do.	To reduce unnecessary microwave radiation exposure from microwave diathermy equipment.	The purpose of this standard is to provide general requirements for microwave diathermy products to assure that to the extent that safety and performance can be controlled, microwave diathermy products are effective for their intended use, and the risk of injury to patient and attending personnel is minimized. The proposed standard includes provisions on minimum microwave radiation output to	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Regulatory Standard for Microwave Diathermy	NPRM	Significant	do.	To reduce unnecessary microwave radiation exposure from microwave diathermy equipment.	-- Continuation achieve therapeutic heating, limits on microwave leakage, product interlocks and controls, product performance, labeling, warnings and user instructions, and test requirements.	No	Do.
Recommendation for X-ray Exposure of Women of Child-bearing Age.	NPRM	do.	do.	To advise physicians on the advisability and methods of minimizing the exposure of pregnant females to diagnostic radiograph.	The guideline to be proposed will address and explain three particular points in an effort to reduce this risk. It will advise physicians: (a) To ascertain whether their female patients are or could be pregnant, prior to ordering abdominal radiological examinations; (b) to utilize modified or limited studies when possible for female patients who are likely to be or who are definitely pregnant, as a means of reducing fetal exposure; and (c) to use alternative procedures for radiological examinations when appropriate.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Recommendation for Quality Assurance Programs in Diagnostic Radiology Facilities	Final	Significant	do.	To reduce unnecessary exposure while improving diagnostic information	The purpose of this publication is to encourage diagnostic radiology facilities to establish their own quality assurance programs with goals of improving diagnostic image quality and reducing unnecessary patient radiation exposure. The recommendation will also suggest elements which should be included in such programs.	No	Do.
Amendments to Diagnostic X-ray Standard Beam Limitation	Final	do.	do.	Clarification and updating of performance standard for diagnostic x-ray equipment	These amendments to the diagnostic X-ray standard would revise and simplify the requirements for Positive Beam Limitation (PBL) contained in § 1020.31(e)(2). In addition, provisions for over-riding automatic X-ray field adjustment systems on fluoroscopic X-ray equipment will be addressed and a warning label required. The changes in the PBL requirements would allow more flexibility in the conditions under which PBL is required, and should promote more upgrading of old equipment.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Recommendations or Regulations for Radiation Therapy Equipment	NPRM	Significant	do.	To improve the use of ionizing radiation therapy through enhanced accuracy of dose delivery	Initiation of a program of quality assurance in therapeutic radiology, principally related to the development of recommendations concerning accurate dose delivery.	No	Do.
Amendments to the Diagnostic X-Ray Standard-Tomographic Systems	NPRM	do.	do.	To amend the standard to account for special features of computerized tomographic x-ray systems	Computerized tomographic (CT) x-ray systems are diagnostic x-ray systems which represent a major new technical breakthrough, not available when the standard was issued. Although some provisions of the standard are appropriate for CT systems, it is recognized that other requirements may not be appropriate for such complex equipment, and that additional requirements may be necessary to assure adequate public health protection.	No	Do.
Nuclear Medicine Evaluation of Diseases of Thyroid Gland Recommendations	NPRM	do.	do.	To lower patient dose in nuclear medicine evaluation of the thyroid gland	Over the past 20 years, increased attention has been drawn to the association between ionizing radiation and the development of nodules and cancer of the thyroid gland. The Bureau is proposing guidance on the need to formulate voluntary recommendations to encourage	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Nuclear Medicine Evaluation of Diseases of Thyroid Gland Recommendations	NPRM	Significant	do.	To lower patient dose in nuclear medicine evaluation of the thyroid gland	-- Continuation techniques in nuclear medicine which lower or eliminate patient radiation dose in thyroid studies, without compromising clinical information	No	Do.
Suggested State Regulations	Notice of Availability	do.	do.	To provide model regulations to State agencies on a wide range of radiation control subjects	State radiation control regulations are essential to national protection because they provide protection in areas where Federal agencies have no jurisdiction. The Suggested State Regulations for Control of Radiation was first prepared in 1962 and is periodically updated. A model code, offered through this notice, assists the State in developing their regulations and encourage uniform regulations among States to complement Federal regulations (e.g., in areas beyond certain Federal regulatory authority as in the user area). This is a cooperative project of the Conference of Radiation Control Program Directors (representing the State and local agencies), FDA, and other Federal agencies with responsibilities in radia-	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Suggested State Regulations	Notice of Availability	Significant	do.	To provide model regulations to State agencies on a wide range of radiation control subjects	--Continuation tion control (including the Nuclear Regulatory Commission and the Environmental Protection Agency).	No	Do.
Regulatory Standards for Sunlamps	Final	do.	do.	To minimize ultraviolet radiation exposure related to sunlamps and their use	This standard under development since 1975, is intended to allow continued use of a sunlamp product and yet to minimize the danger of injury. This purpose is achieved through the provisions of safety performance criteria in the standard including the limitation of shorter wavelength emissions, more adequate warnings, requirement of special lamp base and a timer to control the duration of the exposure.	No	Do.
Emergency Radiation Dose Limits for Health and Safety of Ambulance Services, Hospital and Other Health Care Personnel	NPRM	do.	do.	To provide recommended radiation dose limits for emergency workers	Interagency responsibilities for Radiological Incident Emergency Response Planning, Fixed Facilities and Transportation Accidents published in the FEDERAL REGISTER (40 FR 59494) stated that HEW is responsible for issuance of guidance on emergency radiation doses related to health and safety of ambulance services, hospital and other health care personnel, in cooperation with	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Emergency Radiation Dose Limits for Health and Safety of Ambulance Services, Hospital and Other Health Care Personnel	NPRM	Significant	Public Health Service Act	To provide recommended radiation dose limits for emergency workers	--Continued EPA. The guidance will establish dose limits for emergency medical personnel for planned and unplanned lifesaving actions during the transportation and treatment of persons contaminated with radioactivity. Recommendations will be based on a review of national and international standards relevant to this matter. They will be consistent with present radiation risk and effects information and based on the principle of avoiding unnecessary radiation exposure when possible and that any radiation exposure should be balanced by commensurate benefit.	No	Mr. Michael S. Terpilak, Bureau of Radiological Health, 5600 Fishers Lane Rockville, MD 20857
Recommendations for Post-Treatment Dental Radiographs	NPRM	do.	do.	To reduce the use of dental radiography for non-diagnostic purposes	A practice which appears to be on the increase is the requirement for post-treatment dental radiographs by third party carriers as evidence of dental treatment. Proper justification for the application of radiation to humans requires that there be some potential benefit to the individual receiving the examination.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Recommendations for Post-Treatment Dental Radiographs	NPRM	Significant	Public Health Service Act	To reduce the use of dental radiography for non-diagnostic purposes	--Continued Post-treatment radiographs, however, are not always needed for patient management. It is likely that this project will culminate in recommendations stating that post-treatment radiographs should not be taken merely as evidence of treatment.	No	Mr. Michael S. Terpilak, Bureau of Radiological Health, 5600 Fishers Lane Rockville, MD 20857
Radiation Therapy Simulators	NPRM	do.	do.	Revision of the performance standard for diagnostic x-ray equipment to account for the special features of radiation therapy simulators	These amendments will codify various interpretations, advisory opinions and variance criteria with respect to radiation therapy simulator systems. They will also bring the standard up to date with new equipment and current usage and practices.	No	Do.
Microwave Ovens	NPRM	do.	do.	To codify various compliance policies as part of the performance standard for microwave ovens	The purpose of this amendment is to bring the language of the performance standard for microwave ovens into conformity with current compliance policy. The specific measuring instrument accuracy would be replaced with a requirement to account for all measurement uncertainties in making compliance measurements.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Continuation from the last agenda

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Revision of Requirements for Appearance and Hearing	NPRM	Significant	Federal Food, Drug, and Cosmetic Act	To provide a procedure in handling and acting on hearing concerning new animal drug matters consistent with such matters involving drugs for human use.	Revises the new animal drug regulations to make them consistent with the human drug regulations concerning content of the notices of opportunity for hearing and circumstances under which an opportunity for hearing will be granted.	No	Robt. S. Brigham BVM, FDA, 5600 Fishers Lane Rockville MD 20857 443-6243
Vitamin K in Animal Feeds	do.	do.	do.	Question of general recognition of safety exists regarding certain sources of Vitamin K.	Would propose that only certain Vitamin K substances are generally recognized as safe.	No	Do.
Animal Drugs in Minor Species	do.	do.	do.	To assure the availability of new animal drugs for minor species for which there is little demand and thus little or no economic value to drug manufacturers.	Modifies the safety and effectiveness requirements for new animal drug approval.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Continuation from the last agenda

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Drug Carryover in Animal Feeds	NPRM	Significant	do.	To assure safety of animal feeds and to assure safety of food for human consumption, while recognizing the trace quantities of drugs carried over from batch to batch during manufacture of medicated feeds.	FDA will publish a notice of action levels on drugs remaining in feed manufactured in accord with good manufacturing practice when such drugs are the result of carry-over of trace quantities of the drug from one feed batch to the next.	No	Do.
Prohibited Substances; Deodorizer Distillates	Tentative Final	do.	do.	Deodorizer distillate substances have been found to contain concentrated levels of contaminants which are adulterants when added to animal feed.	The regulation would prohibit the use of deodorizer distillates in animal feed.	No	Do.
Copper in Animal Feeds	Final	do.	do.	Use of high levels of copper in swine and poultry feed raise environmental and tissue residue questions.	Limit the maximum amount of copper compounds in poultry and swine feeds to nutritional levels.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Continuation from the last agenda

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Approval of Supplemental Applications	Final	Significant	do.	To permit FDA to approve supplemental new animal drug applications expeditiously.	In certain instances FDA will approve supplemental new animal drug applications without a complete reevaluation of all safety and effectiveness data in the parent application.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Changed Status

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Emergency Permit Controls for Acidified Foods, Low Acid Food GMP, Acidified Foods GMP	Final published 3/16/79	do.	do.	To ensure safe manufacturing, processing, and packing procedures for low acid and acidified foods.	This regulation would establish and revise the specific current food manufacturing processes for acidified and low acid foods respectively.	No	Bob Lake, Bureau of Foods (HFF-302) 200 C Street, S.W., Wash, D.C. 20204 (202) 245-1254
Sensitivity of Method—NPRM	NPRM published 3/20/79 Notice of Public Hearing published 4/20/79	do.	do.	To facilitate a determination of the safety of drugs intended for food producing animals.	This final regulation would establish criteria and procedures for evaluating assays for carcinogenic residue in animal derived food.	Yes	Do.
Chloroform in Contact with Food	Proposal published 4/9/76	do.	do.	New data indicates that the use of this substance should be prohibited.	This regulation would delist certain uses of chloroform in food packaging materials.	No	Do.
Umbrella Good Manufacturing Practices (GMP)	NPRM published 4/8/79	do.	do.	To ensure safe manufacturing, processing, packing and holding practices for foods.	This proposal would update and expand the good manufacturing practices regulations for human foods.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Changed status

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
California Application for Exemption from Preemption	Reproposal published 4/3/79.	Significant	Federal Food, Drug, and Cosmetic Act	Response to petition	Responds to California's application for exemption from preemption for its device laws and regulations	No	Dr. Carl T. DeMarco Bureau of Medical Devices, 8757 Georgia Ave., Silver Spring, MD 20910 (301) 427-7114

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Changed status

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Diagnostic Ultrasound	NOI published Feb. 13, 1979	Significant	Public Health Service Act	To get public opinion on risks of diagnostic ultrasound and appropriate action program	Diagnostic ultrasound equipment is being used widely with little evidence of the degree to which human exposure levels may be harmful, especially to the developing fetus. This notice will announce the potential development of standards and/or recommendations related to the manufacture and use of these devices. The guidance, which is included in the notice, will encourage manufacturers to employ the lowest power levels practicable and will caution against unnecessary exposure to patients and others.	No	Mr. Michael S. Terpilak Bureau of Radiological Health, 5600 Fishers Lane Rockville, MD 20857 301/443-3426
National Standards for Medical Radiation Technologists	NOI published March 13, 1979	do.	do.	To get public opinion on present credentialing practices and the need for national standards	This Notice of Intent was published to announce that the Bureau of Radiological Health will be establishing recommended qualifications for medical radiation technologists. The Notice solicited professional and public input about existing practices of credentialing, the need for uniform national standards, and possible approaches for ensuring that all medical radiation technologists demonstrate	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Changed status

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
National Standards for Medical Radiation Technologists	NOI published March 13, 1979	Significant	do.	To get public opinion on present credentialing practices and the need for national standards	--Continued A certain level of competence in conducting medical radiation examinations.	No	Mr. Michael S. Terpilak, Bureau of Radiological Health, 5600 Fishers Lane Rockville, MD 20837 301/443/3426
Beam Quality Amendment for Dental X-ray Systems	NPRM published Jan. 30, 1979	do.	do.	Reduction of unnecessary patient exposure in dental radiography	The beam quality amendment for dental x-ray systems would reduce patient exposure resulting from the use of low kilovoltage dental x-ray systems.	No	Do.
Policy on Assembly and Reassembly of Diagnostic X-ray Systems	NPRM published April 17, 1979	do.	do.	To minimize undesirable economic effects of present policy without adversely affecting the public health.	This amendment would revoke or extend the effective date of 21 CFR 1000.16(d) which presently requires that only certified components be installed into diagnostic x-ray systems which are sold and re-assembled after August 1, 1979.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Changed status

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Sterility & Pyrogenicity of Animal Drugs	NOI pub. 12/15/78	Significant	Federal Food, Drug, and Cosmetic Act	To assure that all parenteral animal drugs are sterile and free of extrinsic pyrogenic material.	Amends the current good manufacturing practice regulations.	Yes	R. Brigham Bureau of Veterinary Medicine, EDA, 5600 Fishers Lane, Rockville, MD. 20857 (301) 443-6243
Definitions of Food Type Animals and Animal Feed	Final Rule deferral pub. 3/6/79. To be combined with new entry "Medicated Feed Task Force Implementation"	do.	do.	To clearly define the various types and classes of food animals and animal feed, and conditions of approval of such feeds, to assure safe and efficacious use of medicated feeds.	Defines the various types of food type animals and the various types and classes of animal feeds. Modifies the conditions of approval of animal feeds.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Changed Status

Title	Stage of Development	Classification	Statutory Base	Need to Regulate	Description	RA	Contact
Reimbursement for Participation in Administrative Proceedings	NPRM published 4/17/79	Significant	Federal Food, Drug, and Cosmetic Act and other acts administered by FDA.	To enhance the process of administrative decisionmaking by reimbursing participants whose participation in agency proceedings contribute or can reasonably be expected to contribute to a full and fair determination of the issues, but who would otherwise be unable to participate effectively.	This document proposes a demonstration program for providing financial assistance to participants in certain administrative proceedings of the FDA.	No.	A. Grant, Office of Consumer Affairs (HF-7), 5600 Fishers Lane, Rockville, MD. 20857 (301) 443-1547

* RA - Regulatory Analysis
(Yes/No)

Deletions

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Reason for Deletion	Description	RA	Contact
Requirements for Pediatric Drug Studies	NPRM	Significant	Federal Food, Drug and Cosmetic Act	The agency is exploring alternative ways to accomplish the objective of this project.	To propose rules under which new drugs would have to be tested in children.	No	Ms. Mary McEnry, Bureau of Drugs, (HFD-30) 5600 Fishers Lane, Rockville, MD 20857 301-443-3640
Subject followup	NPRM	do.	do.	The agency is exploring alternative ways to accomplish the objective of this project.	To require clinical investigators to maintain a list of names and addresses of subjects who participate in investigational studies to provide a means of contacting them if the need arises.	No	Do.
OTC labeling standards	NPRM	do.	do.	The agency plans to seek voluntary cooperation by working with trade and consumer organizations.	To propose standards for OTC drug labeling by setting priorities for placement of required information on labeling, establishing a format for directions for use and warnings, limiting space used for unrequired information, and setting type-size requirements.	No	Do.
Proficiency testing	NPRM	do.	do.	The agency plans to develop a guideline to accomplish the objective of this project.	To require manufacturers to conduct proficiency testing on their apparatus used in conducting an in vitro dissolution test.	No	Do.

* RA - Regulatory Analysis
(Yes/No)

Deletions

FDA REGULATION AGENDA

Title	Stage of Development	Classification	Statutory Base	Reason for Deletion	Description	RA	Contact
FD&C Red 34	NPRM	Significant	do.	The Agency has deferred consideration of the status of this color additive.	This document would have proposed to delist FD&C Red 34 from the permanent list of color additives.	No	Bob Lake, Bureau of Foods (HFF-302), 200 C Street, S.W., Wash., D.C. 20204 (202) 245-1254

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Deletions

Title	Stage of Development	Classification	Statutory Base	Reason for Deletion	Description	RA	Contact
Recommendations on Radioluminous Timepieces	NPRM	Significant	Public Health Service Act	Lowered public health significance because of decreased use of products	Over the past several decades, radium has been used extensively as the luminizing activator in the paint used on the hands and dials of timepieces available to the consumer public. More recently, tritium and promethium-147 have also come into use for this purpose. Radium constitutes a source of unnecessary radiation exposure that could be significantly reduced or avoided by the use of radionuclides emitting lower energy radiations. The proposed recommendations are directed to the State's radiation control program directors and include the efficacy of the luminescence, the occupational exposure parameters, the dose commitment to the individual and population, alternatives to the use of radium and radiation warning labeling. Because of the responsibilities of other Federal agencies in this area, involvement in the review and development of these recommendations would also include the	No	Mr. Michael S. Terpilak Bureau of Radiological Health 5500 Fishers Lane Rockville, MD 20857 301/443-3426

* RA - Regulatory Analysis
(Yes/No)

FDA REGULATION AGENDA

Deletions

Title	Stage of Development	Classification	Statutory Base	Reason for Deletion	Description	RA	Contact
Recommendations on Radioluminous Timepieces	NPRM	Significant	Public Health Service Act	Lowered public health significance because of decreased use of products	--Continued Nuclear Regulatory Commission, Consumer Product Safety Commission, U.S. Customs, and the Department of Transportation.	No	Mr. Michael S. Terpilak, Bureau of Radiological Health 5600 Fishers Lane, Rockville, MD 20857 301/443-3426

[FR Doc. 79-24892 Filed 8-15-79; 8:45 am]

BILLING CODE 4110-12-C

Federal Register

Thursday
August 16, 1979

Part III

Department of Agriculture

Agricultural Marketing Service

**Milk in Southwestern Idaho-Eastern
Oregon Marketing Area**

**Recommended Decision and Opportunity
To File Written Exceptions on Proposed
Agreement and Order**

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1135]

[Docket No. AO-380]

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Recommended Decision and Opportunity to File Written Exceptions on Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends that a Federal milk order should not be established for the proposed Southwestern Idaho-Eastern Oregon marketing area. The milk order that was proposed by three cooperative associations was considered at a public hearing held December 5-8, 1978. An analysis of the hearing evidence indicates that dairy farmers are not experiencing disorderly marketing conditions to an extent that warrants the adoption of a milk order for the area.

DATE: Comments are due on or before September 17, 1979.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued October 19, 1978, published October 24, 1978 (43 FR 49704).

Correction: Published October 27, 1978 (43 FR 50187).

Correction: Published November 13, 1978 (43 FR 52496).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in an area tentatively described as the Southwestern Idaho-Eastern Oregon marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture Washington,

D.C., 20250, on or before September 17, 1979. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The recommendations, as hereinafter set forth, concerning the tentative marketing agreement and order were formulated on the basis of the record of a hearing conducted at Boise, Idaho, on December 5-8, 1978, pursuant to notice thereof which was issued October 19, 1978 (43 FR 49704).

The material issues on the record of the hearing relate to whether a Federal milk order should be established for the Southwestern Idaho-Eastern Oregon area, and, if so, what the provisions of the order should be.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Marketing conditions for producers do not warrant the establishment of a milk order for the proposed Southwestern Idaho-Eastern Oregon marketing area.

Interstate commerce. The area that was proposed for a Federal milk order by three dairy farmer cooperative associations includes 23 contiguous counties. Eighteen of the counties are in southwestern Idaho and the remainder are in eastern Oregon. Of the 216 Grade A milk producers who resided in the area in June 1978, and whose milk was available to milk dealers serving the area, 198 resided in Idaho and 18 in Oregon. The producers produced 27 million pounds of milk in June 1978 and supplied milk to 12 milk dealers in the area that was proposed. The fluid milk sales of the dealers were about 10 million pounds. Essentially all fluid milk sales by milk dealers in the area are within the marketing area that was proposed.

The milk of these dairy farmers that is not needed for fluid use is made into manufactured dairy products in Idaho, and a portion of the products is sold outside Idaho and Oregon. One proponent manufactures such milk into American cheese, butter, and nonfat dry

milk for sale into several states. Another proponent sells such milk to manufacturing plants from which dairy products are sold in several states.

Milk dealers who operate fluid milk plants in the area that was proposed for Federal milk regulation distribute fluid milk products in Idaho and Oregon from such plants. Also, they compete in the area for fluid milk sales with fluid milk plants in Oregon, Washington, and Utah which are regulated by the Oregon-Washington and Great Basin Federal milk orders.

The Agricultural Marketing Agreement Act of 1937, as amended, provides in § 608c(1) that milk orders issued by the Secretary shall regulate such agricultural commodity or product thereof, as is the current of interstate commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof. It is concluded that the handling of milk in the marketing area that proponents proposed is in the current of interstate commerce. The Department would have appropriate jurisdiction in establishing a Federal milk order for the area that was proposed if marketing conditions warranted such action.

Description of the market. Most of the economic information pertaining to the production, marketing and pricing of Grade A milk for the marketing area that was entered into evidence was for the month of June 1978. Accordingly, the discussion herein will be centered on that month except where comparisons can be made with October 1978 or references can be made to other specific time periods.

One of the dairy farmer cooperative associations that proposed the milk order represents 181 Grade A milk producers. In June 1978, 91 of such producers were available to supply about 10 million pounds of milk to the two fluid milk plants in the area supplied by the cooperative. The association is the exclusive supplier of milk to a fluid milk plant at Boise, Idaho, and one at Twin Falls, Idaho. In June 1978, these plants had about 4.5 million pounds of fluid sales, which represented 80 percent of the receipts at the plants.

The association operates a plant at Caldwell, Idaho, which is a supply plant under the Oregon-Washington milk order. Milk is shipped from the plant to distributing plants regulated by the Oregon-Washington milk order. In June 1978, about 10 million pounds of milk from the remaining 90 producers

represented by the association were pooled under that order. Grade A milk that is not needed for fluid use in the proposed Southwestern Idaho-Eastern Oregon marketing area is manufactured into dairy products at the association's Caldwell plant.

A second proponent cooperative association represents 93 producer members, most of whom, reside in the Idaho portion of the marketing area that was proposed. In June 1978, about 8.8 million pounds of milk were available from 67 of the members for the proposed area. Of the remaining producers represented by the association, 5.7 million pounds of their milk were pooled on the Great Basin order and 1.3 million pounds were pooled on the Oregon-Washington order.

The association sells milk on a supplemental basis to one of the fluid milk plants in the area that was proposed. In June 1978, the association sold 572,000 pounds to the plant. The plant receives the major part of its supply from 25 producers who are not members of a cooperative association. In June 1978, the plant bought 5 million pounds of milk from producers and sold 3.6 million pounds as fluid milk products.

The milk of the 67 members that is not sold for fluid use in the area is disposed of to manufacturing plants in southwestern Idaho, including the manufacturing plant at Caldwell, Idaho, which was mentioned previously. The association operates no manufacturing facilities in Idaho, as it is a marketing organization exclusively.

A third proponent cooperative represents 104 members in Idaho. However, the milk is marketed under the Great Basin Federal milk order and is not associated with the marketing area that was proposed.

In addition to the three fluid milk plants supplied by two of the proponents, the fluid market was serviced in June 1978 by four other plants in the area that pasteurized, packaged and sold fluid milk products. The receipts from producers at the four plants for the month totalled 3.2 million pounds, and fluid sales were 1.8 million pounds. Also, six fluid milk plants outside the area that was proposed sell fluid milk products in the area. Such milk was priced and pooled under neighboring Federal milk orders. The bulk of such sales was through the stores of a national grocery chain.

The three fluid milk plants to which proponents sell milk accounted for 68 percent of the June 1978 fluid milk sales in the area. Four other plants in the area accounted for 16 percent of the sales

and the six plants outside the area accounted for 14 percent of the sales. In addition, five milk dealers were distributing unpasteurized milk products and accounted for two percent of the fluid milk sales in the area.

One of the proponent cooperatives represented 42 percent of the 216 producers whose milk was available to the fluid market in June 1978. The second proponent represented 31 percent of the producers. An additional 23 percent of the producers shipping milk to local dealers were not members of a cooperative association, and four percent of the producers supplied all or part of milk needs of their own fluid processing operations.

Discussion of the need for a Federal milk order. The proponent cooperative associations were represented by five dairy farmer witnesses who testified in support of the Federal milk order that was proposed. Certain employees of the cooperatives testified about the specific milk order provisions that were proposed.

One of the dairy farmer witnesses, who has produced milk in Canyon County, Idaho, (in the proposed area) for 44 years, related some of the history of the market from his own experience. He stated that when he first started producing Grade A milk it was customary for milk dealers to accept milk from farmers only when they needed it and to cut part of the farmers off the market during periods of seasonally high milk production.

He said that by 1954, about 150 dairy farmers had organized into a cooperative association and had attempted to negotiate supply contracts with milk dealers. In these attempts the farmers were largely unable to reach a satisfactory agreement with respect to prices.

He testified that by 1970, the number of milk dealers operating in the market had decreased substantially and the association had only three outlets for its members' milk. This was reduced further when another cooperative association bought one of the fluid milk plants.

The witness stated that this development intensified competition between the two remaining milk dealers for sales of fluid milk products. As the milk dealers lowered their retail prices, they pushed down the prices paid to the farmers. He stated that one result of this was that farmers received four different prices from a milk dealer depending on the area where fluid milk sales were made. Farmers paid the transportation cost to more distant areas from the Boise, Idaho, area, he said, or took a

lower price so that the milk dealer could meet competition at locations outside the Boise area.

The witness stated that in 1972, the association lost another buyer and began marketing milk in Oregon, Washington, and Utah to provide outlets for its members' milk. This led to a merger with one of the proponent cooperatives which provided an outlet for milk in the Eastern Colorado market (Denver area). In this producer's view, a Federal milk order would provide orderly marketing for dairy farmers in contrast to the instability which characterized the southwestern Idaho market during his years of experience with it.

Aside from the historical development of the market, other proponent cooperative witnesses testified collectively that a Federal milk order is needed for the marketing area that was proposed because necessary elements of orderly marketing are lacking there.

Proponent witnesses testified that milk dealers competing for sales in the area do not pay farmers on the basis of a uniform classification plan that reflects the way milk is utilized, such as the higher-valued fluid milk products being included in a Class I classification and the lower-valued manufactured products being included in a Class II classification. It was stated that while one of the dealers pays for milk on a classification basis there is no uniform classification plan for the market as a whole. It was claimed that another dealer pays for milk at a Class I utilization that is lower than its actual Class I use. Further, it was stated that the dealer pays nonmember producers a percentage of Class I utilization on all the milk that such producers deliver while proponent producers are paid a Class I utilization on only a fraction of the milk production of the proponent cooperative's members. It was stated that another dealer does not pay for milk on the basis of the dealer's Class I utilization even though most or all of the milk distributed by the handler is in the form of fluid milk products.

Proponent witnesses testified that there is a wide variation in prices paid dairy farmers for milk, and that such variation also is evident from the varying butterfat differentials paid by dealers. In proponents' view, it is essential for orderly marketing that minimum prices be paid for each class of milk by all milk dealers competing for sales in the marketing area. Proponents stated that such pricing would prevent dealers from "shortchanging" dairy farmers through price determinations that do not reflect market values.

Proponent witnesses testified also that in the absence of a Federal milk order, farmers and their cooperative associations cannot verify how their milk was used by milk dealers. Also, they stated that without an order there is no means of verifying the weight and butterfat content of the milk they deliver to the dealers.

Proponent witnesses testified about another element of orderly marketing which they believe is lacking in the marketing area that was proposed. In the absence of an order, it was stated, there is no means for equitably distributing returns among producers from the sale of milk in each use classification. It was stated that cooperatives divert milk to manufacturing plants that is not needed for fluid use by milk dealers. In proponents' view, this diversion accrues to the benefit of all producers. It was stated that in the absence of marketwide pooling, as provided by a Federal milk order, producers who are members of a cooperative association realize a lower price for their milk than producers who are not members of a cooperative, and the average prices received by all producers vary significantly from plant to plant. In proponents' view, marketwide pooling under a Federal milk order would assure all farmers of an equal sharing of utilization in each class and would result in a more orderly market.

A final element of orderly marketing that proponents believe is lacking with respect to the area in question is that there is no means for farmers, consumers, milk dealers, or other interested parties to evaluate the market because there is no published information about milk production, sales, prices and other relevant information. In proponents' view, one of the chief benefits of a Federal milk order for the area would be the availability of such information on a timely basis.

Three dairy farmers who were not affiliated with a cooperative association testified in opposition to the proposed milk order. One stated that he is paid for his milk on the basis of 70 percent Class I utilization. He is apprehensive that a Federal milk order would cause the Class I utilization percentage of the market to drop continually. The other farmers expressed similar views.

An evaluation of all the testimony and economic data contained in the record revealed little indication of actual disorderly marketing conditions in the area in question at the time of the hearing. The disorderly marketing conditions that often precede an order, e.g., handlers cutting producer prices,

certain producers losing their market and a disproportionate sharing among producers of the market's surplus milk, were generally not present.

A primary question that needs to be addressed in this proceeding is whether a Federal milk order should be established in the absence of any major marketing problems. Proponents testified that certain "elements" of orderly marketing are lacking in the area in question. These include such elements as a marketwide classified pricing program and a sharing of the returns from Class I sales among all producers. However, the record does not establish that the absence of these elements of orderly marketing is resulting in major marketing problems for producers who are supplying the area. This being the case, it is doubtful that a Federal milk order to establish classified pricing, marketwide pooling and other provisions would provide any substantial benefits for producers that would justify the disadvantages of Federal government intervention. The record of this proceeding does not indicate persuasively that such intervention is necessary for orderly marketing in the area in question.

The following discussion highlights particular points that were raised by proponents that might have suggested some degree of disorderly marketing conditions, and the conclusions about them that were drawn from the record evidence. The material covers whether varying prices paid by milk dealers have resulted in competitive conditions that have redounded adversely on producers. The material evaluates whether there is a disproportionate sharing of reserve supplies among producer groups to a degree that marketing instability has resulted. The material considers whether producers, in fact, have been cut off the market, and finally, whether the basis of pricing milk in the market has resulted in marketing stability and in regular, dependable supplies of milk.

A witness for one of the proponent cooperatives stated that unless the distributing plants that compete with the distributing plants supplied by the cooperative are required to pay for milk on the same classified price plan, proponent's fluid milk outlets are in an unfavorable competitive position in the retail market, which it turns adversely affects the returns received by proponent's members.

In this connection, the record provided data concerning fluid milk sales for June and October 1978. It established that between those months, the two fluid milk plants supplied exclusively by the proponent increased

fluid milk (or Class I) sales as did the milk dealer to whom the second proponent sells supplemental milk. Another milk dealer, who paid lower Class I prices than these other plants, lost a significant quantity of fluid milk sales between the two months.

The record contains no specific explanation for this occurrence, and there is no testimony or evidence that the shift in sales was accompanied by price wars among handlers or that prices to any producers had been cut as a result. Between those two months, the Class I prices paid by proponent's outlets increased two percent, the Class I prices paid by the second proponent's outlet increased four percent and the Class I prices paid by the other milk dealer increased eight percent. It may be concluded that this instance of lower Class I prices that were paid by one handler in competition with other handlers supplied by proponent cooperatives apparently did not result in either decreased Class I sales or in lower prices for the proponents.

A witness for one of the proponent cooperatives claimed that the cooperative performs much of the balancing of milk supplies for one of the major milk dealers in the market. The spokesman stated that the reserves associated with the fluid milk sales of the dealer must be handled by the cooperative which does not share in the entire Class I utilization of the plant. In such instance, it was claimed, the other producers supplying the dealer benefit from receiving Class I returns without sharing in the lower priced reserves needed for the plant.

A disproportionate sharing among producers of the market's reserve milk would be a situation in which a relatively large group of producers are paid the higher fluid milk price for all their milk shipments to processing plants while a relatively large group of other producers receive primarily the lower surplus price for most of their milk. The lower price results because their shipments of milk represent the market's seasonal, monthly, and daily reserves associated with the fluid milk sales of the other producers. In such situation, processors can tailor their purchases for Class I from one group of producers and supplement seasonal needs for fluid milk, as in the fall months, from the other group of producers.

The milk dealer in question is supplied primarily by farmers who are not members of a cooperative association. For October 1978, one of the two months for which specific economic data were provided, the quantity of milk

the dealer received from these producers was 5.2 million pounds. An additional one million pounds were obtained from proponent. The total supply of the dealer was 6.2 million pounds. Fluid milk sales were 4.5 million pounds or an apparent Class I utilization of 73 percent.

Proponent was paid, as were the nonmember producers, on the basis of 70 percent Class I utilization. The 70 percent is a determinate figure and does not change from month to month even though the Class I utilization of the dealer may change. In June 1978, the apparent Class I utilization of the milk dealer was 65 percent.

For October 1978, the Class I use assigned to proponent would have been 700,000 pounds. One can speculate how much reserve supply is reasonably associated with 700,000 pounds of fluid milk sales. However, the appropriate reserve is not likely to be as much as 7 million pounds, which is the estimated production of the cooperative's 67 producers whose milk would have been available to the market that month.

Proponent's milk sales in the area that was proposed are in the nature of a supplemental supply to a single milk dealer who is supplied primarily by producers who are not members of a cooperative association. The same proportions of their deliveries to the milk dealer are assigned to Class I and to surplus use as is the case for the proponent's deliveries. Proponent obtains the f.o.b. Salt Lake City Class I price of the Great Basin milk order plus 10 cents for 70 percent of the milk it delivers to the milk dealer. The 10-cent charge may be regarded as a payment for the services proponent performs in supplying the supplemental milk.

The total Class I price that is paid for the supplemental milk is 55 cents (including the 10 cents referred to) a hundredweight higher than the Class I price that is paid to the independent producers who supply the milk dealer. Their price is the Great Basin Class I price minus 45 cents, which approximates the location adjustment under that order from Salt Lake City to Boise, Idaho.

It must be concluded that this proponent's function in the market is not one of providing the market with a substantial share of the fluid milk needs of competing milk dealers and then having to dispose of the surplus associated with such fluid sales. Only a minor quantity of the milk produced by proponent's 67 members actually is ever marketed in the area for fluid use. The major part of it is disposed of regularly for manufacturing use in southwestern

Idaho or is marketed elsewhere in Federal order markets such as Eastern Colorado, Oregon-Washington and Great Basin.

An exhibit introduced into evidence by proponent established that the sales of the cooperative that have been made to the milk dealer have gradually been decreased by the dealer since 1974 from about 4 million pounds a month to about one million pounds a month in 1978. One might conclude that this is evidence of producers having been cut off the market. A more persuasive conclusion is that, over time, the milk dealer may have shifted the source of supply for the fluid milk plant. An order would not change this situation necessarily. Under a Federal milk order a regulated handler would not be required to buy milk from any particular producer or group of producers.

The second proponent cooperative is the exclusive supplier of two fluid milk plants. The milk that is received is paid for on the basis of 80 percent Class I use, a determinate figure as in the case of the other proponent. The price paid for Class I milk is the Minnesota-Wisconsin (M-W) price of the preceding month plus \$1.85. For milk received at the plant and not used in fluid milk products the price is the M-W price of the second preceding month. Milk that is available to the fluid milk plants but not received there is made into dairy products at proponent's manufacturing plant at Caldwell, Idaho.

The fluid milk prices that have been paid to the two proponents and to nonmember producers who supply one of the larger milk dealers are closely related to the Class I price of the Great Basin milk order. This represented 88 percent of the fluid sales by milk dealers in the market for October 1978, and 83 percent for June 1978. Two other milk dealers with about 16 percent of the fluid sales paid somewhat lower Class I prices than those indicated above, but without disruptive impact as indicated previously.

It must be concluded that while there is variation in the fluid milk prices that have been paid by milk dealers, a very substantial proportion of the fluid milk for the market is paid for at prices that are closely related to the Class I price of the Great Basin milk order. Likewise, there is a strong tie to the Great Basin market in the way milk is classified by milk dealers even though there is no marketwide classified price plan for the area proposed for Federal regulation. This connection, through prices and classification, with the neighboring Great Basin Federal milk order has promoted price stability for a very large

proportion of the fluid milk market in question. The prices thus derived have resulted in an adequate supply of milk for fluid use at all times.

Also, the prices that milk dealers have paid for most milk not used in fluid milk products have been related to the M-W price or have been higher. The M-W price is that which is used in the Federal milk order system for pricing milk that is not used for fluid use. Further, the record established that the prices paid for manufacturing milk in Idaho normally have averaged significantly higher than the M-W price on a 3.5 percent butterfat basis.

It must be concluded from the foregoing data that despite the absence of a marketwide classified price plan and other provisions that would be provided by a Federal milk order, the marketing of milk in the area that was proposed is not disorderly. The proponent cooperative associations are marketing the milk of their members effectively, and milk dealers have not engaged, in recent years anyway, in destructive competition that redounds adversely on producers.

A further consideration is the probable impact if a Federal milk order were established. It is estimated from data in the record that the weighted average prices paid for fluid milk (Class I) in June and October 1978 were \$10.75 and \$11.18 per hundredweight, respectively, for milk containing 3.5 percent butterfat. On a formula basis this would have been the M-W price of the second preceding month plus a Class I differential of \$1.50.

Proponents proposed that Class I milk for the area be priced on the basis of the M-W price of the second preceding month plus \$1.75. This would have increased milk costs to handlers, and presumably to consumers, by 2.1 cents and 2.2 cents per gallon in June and October 1978, respectively. Yet, the record contains no evidence that would justify an increase in the cost of Class I milk through Federal government intervention.

The area proposed for Federal milk regulation has a substantial quantity of Grade A milk available for use in the area and for sale outside the area. It is an area from which Grade A milk supplies are drawn for the Great Basin, Oregon-Washington, and other milk orders. From that standpoint, it would be reasonable to consider a Class I differential for the area based on the Class I differentials of neighboring Federal milk orders, less a location adjustment based on 1.5 cents per 10 miles which is presently used throughout the Federal milk order

system. On that basis, a Class I differential of \$1.35 is indicated. It represents an average of the Class I differentials of neighboring milk order¹ adjusted for distance to Boise, Idaho.

Applied to the proposed market for June and October 1978, such differential would have reduced milk costs to dealers, and presumably to consumers, by about 1.4 cents and 1.3 cents per gallon, respectively. However, a Class I differential of that amount coupled with Class II and Class III milk prices based on the M-W price series would likely result in blend prices that are less than the weighted average prices that have resulted from the present price structure of the market. Even with a Class I differential of \$1.50, which probably would represent no increase in the cost of Class I milk for the market, any increase in weighted average returns to producers likely would be minimal. It would not be appropriate to establish a Federal milk order, with attendant costs, when marketing conditions for producers would not be improved substantially.

In view of the foregoing considerations, it is concluded that a Federal milk order for the proposed Southwestern Idaho-Eastern Washington marketing area is not warranted. Accordingly, the proposal for such an order is denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

(This recommended decision constitutes the Department's Draft Impact Analysis Statement for this proceeding).

Signed at Washington, D.C., on August 13, 1979.

William T. Manley

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-25384 Filed 8-15-79; 8:45 am]

BILLING CODE 3410-02-M

¹ Great Basin (Salt Lake City, Utah and Pocatello, Idaho), Oregon-Washington (Portland, Oregon), and Inland Empire (Spokane, Washington).

federal register

Thursday
August 16, 1979

Part IV

Council on Environmental Quality

Report to the President by the Toxic
Substances Strategy Committee

COUNCIL ON ENVIRONMENTAL QUALITY

Toxic Substances Strategy Committee Report to the President

August 13, 1979.

ACTION: Request for Comments on the Report to the President by the Toxic Substances Strategy Committee.

SUMMARY: The Toxic Substances Strategy Committee (TSSC), an interagency committee established by the Council on Environmental Quality at the direction of the President, has prepared a draft of its Report to the President. This Report presents the findings, policy considerations, and tentative recommendations reached by the TSSC in its deliberations and study which began in October 1977. The draft is being issued for review and comment so that the final Report to the President may reflect the full range of public comments and concerns.

The Report contains six substantive chapters: Federal Chemical Information Systems; the Treatment of Confidential Information; Research Activities That Support Regulation; Response to Chemical Emergencies; Regulatory Programs and Their Coordination; Cancer and Carcinogens: Preventive Policy; and International Issues. The Executive Summary for the 200-page Report appears below.

Comments are sought and encouraged on all issues and recommendations addressed in the draft Report.

It should be stressed that the findings and recommendations contained in the draft Report, while carefully developed and debated within the TSSC, do not necessarily represent the final views of the individual agencies participating in this effort. The public comments received, along with additional agency review of the draft, will assist the several agencies in formulating their final recommendations to the President.

DATE: Comments on the draft Report must be received by September 30, 1979.

ADDRESS: Requests for the report should be addressed to the Public Information Office (TSSC-Report), Council on Environmental Quality, Executive Office of the President, 722 Jackson Place, N.W., Washington, D.C. 20006.

Comments or requests for further information should be directed to: Robert B. Nicholas, Senior Staff member for Environmental Health and Toxic Substances, Council on Environmental Quality, 722 Jackson Place, N.W.,

Washington, D.C. 20006. Telephone: (202) 395-4980.

Gus Speth,

Chairman, Council on Environmental Quality (Chairman, Toxic Substances Strategy Committee).

Executive Summary

Purpose of the Toxic Substances Strategy Committee and This Report

The vastly increased production and use of chemicals and chemical products since World War II and their pervasiveness in our surroundings have led to growing concern over their effects on human health and the environment. Initially, the Federal Government engaged primarily in ad hoc reactions to major incidents or discovery of widespread damage. Increasingly, however, it is moving toward a more deliberate and comprehensive effort with prevention as the major control strategy. President Carter is committed to such a strategy, and legislation now provides regulatory tools for reducing or eliminating the hazards posed by toxic substances from before commercial production until after disposal.

This comprehensive control effort requires increased knowledge about the chemicals in commerce, including their mixtures, byproducts, uses, persistence and fate in the environment, and the possible effects of exposure on humans, plants, animals, and ecosystems. Equally important is improvement in ways of minimizing the risks posed by the much smaller number of these substances that are hazardous.

President Carter recognized the extraordinary effort that is required to address toxic substances problems and to respond to the mandates of recent legislation. In his Environmental Message of May 23, 1977, he instructed the Council on Environmental Quality (CEQ) to develop and interagency program to eliminate overlaps and fill gaps in collection of data on toxic chemicals and to coordinate federal research and regulatory activities affecting them.

The Toxic Substances Strategy Committee (TSSC) was formed in response. It includes representatives of all federal departments and agencies with major policy, research, or regulatory responsibilities relating to control of potentially hazardous chemicals. The Committee has evaluated the adequacy and appropriateness of current federal activities relating to toxic substances, including those of its own member agencies and other interagency groups such as the Interagency Regulatory

Liaison Group, the National Toxicology Program, and the Interagency Toxic Substances Data Committee.

The TSSC focused on several study areas related to research, data and information, and prevention and control strategies that could be addressed fruitfully in a short time. Other concerns were excluded from consideration as a matter of practicality and in recognition of special considerations pertaining to the excluded subjects that are not applicable to other aspects of toxic substances control. Thus cancer was given more attention than other health effects, for example; and regulatory approaches to toxic substances control were given more immediate attention than voluntary or educational measures. The TSSC also excluded concerns relating exclusively to radiation hazards, physical safety hazards, nutrition, tobacco, and alcohol.

Following transmittal of this report to the President, the TSSC will continue long enough to initiate planning for individual agencies and interagency groups to implement the recommendations.

The Toxic Substances Problem (Chapter I)

Most chemicals, chemical mixtures, and chemical products are relatively harmless under safe and normal conditions of use and exposure. Most are extremely beneficial and modern society has come to depend upon them. But the result is extensive exposure to chemical substances, including those whose effects on human health and environment are often detrimental.

Human exposure to toxic substances¹ may occur through air, water, and terrestrial pollution; through pesticides, foods and food additives, drugs, cosmetics, consumer products, workplace conditions, waste disposal, and accidents. Human health effects include cancer, birth and other reproductive anomalies, neurological and behavioral disorders, kidney damage, lung and heart disease, acute and chronic skin disease, acute poisoning, and many others.

Perhaps the most serious source of human exposure to toxic chemicals is

¹"Toxic" is a relative term. The effects of any chemical substance or mixture depend not only on its composition and basic properties but also on dosage, route and conditions of exposure, susceptibility of the organism exposed, and other factors. It is therefore impossible to categorize all chemical substances as "toxic" and "non-toxic," although some are more toxic than others during normal conditions of use and exposure, and some are generally innocuous. In this report "toxic substances" is not intended to be a scientifically precise term but to encompass the principal concerns of the federal activities here addressed.

the workplace. More than 100,000 workers are believed to die each year as a result of physical and chemical hazards at work, but the magnitude of the long-term health effects of occupational conditions is unknown. Occupational exposure to carcinogens is a factor in an estimated 20 to 38 percent of all cases of cancer. An unknown number of persons are at risk because of hazardous chemicals seeping into water supplies from the thousands of hazardous waste dump sites across the nation, and because of many other types of exposure, from cosmetics to breakfast food.

The magnitude of the toxic substances control problem is almost overpowering in view of the number of substances whose risks should be evaluated, the rate of growth in both number and volume of chemicals, the various routes by which humans and the environment are exposed, possible synergistic or combined effects among the substances, and the effects that they cause—acute and chronic, immediate and delayed.

More than 43,000 chemical substances are listed by the Environmental Protection Agency (EPA) in its initial inventory of substances that are produced commercially in significant amounts and that are subject to regulation under the Toxic Substances Control Act of 1976 (TSCA). This does not include chemical mixtures and foods, drugs, cosmetics, pesticides and other substances not subject to TSCA. Years of research can be required to determine if a particular substance is hazardous.

Consideration of which hazards to control and how and when to control them requires difficult judgments about relative risks and about the costs and benefits of control—judgments that involve complex health, environmental, social, economic, technological, and legal factors. Many of the relevant factors cannot be estimated with certainty, and often an objective and commonly agreed upon method for considering them is not available.

The personnel, equipment, and financial resources that are available both publicly and privately for toxic substances control (including research, testing, monitoring, information exchange, control programs, and response to emergencies) are small in relation to the job to be done. Until recently, nearly everyone seems to have underestimated the magnitude of the research, data, regulatory, and enforcement tasks involved.

In response to growing concern over toxic substances problems, Congress has enacted over two dozen regulatory

statutes, covering the various means by which toxic chemicals can threaten human health and the environment. The laws are administered primarily by six agencies.* The existence of these laws reflects society's conclusion that the unregulated market does not adequately protect human health and the environment from potential hazards from chemical substances, especially when the hazards are subtle, chronic or delayed.

The Toxic Substances Strategy Committee has concluded that the basic approach and structure of these laws are sound. Particularly appropriate is their preventive approach. Prevention is the key to controlling diseases and environmental problems caused by toxic chemicals. Public health and the environment will be adequately protected from chemical hazards only with the direct government action to regulate releases and exposures. Most of the statutes employ a precautionary principle, mandating action to limit exposure to a potentially hazardous substance when evidence of the hazard is convincingly suggestive, but not completely certain.

However, implementation of these laws has been slow. Measured against the need, the handful of chemicals regulated to date have been disappointingly small. Budgetary support for federal toxic substances control recently increased, especially for implementation of TSCA. Nevertheless, EPA's Office of Toxic Substances does not expect to catch up with the backlog of existing hazards for many years, and some new hazards may enter the market despite the screening process established under TSCA.

Despite these limitations, many past problems are being overcome, particularly in regard to interagency coordination. Many steps have recently been taken by individual agencies and interagency groups to increase the information base and to make better use of and disseminate available data, to coordinate the testing of chemicals, to increase the pace and consistency of risk assessment and of regulatory activities, to cooperate actively in chemical emergencies, to exchange information with industry and nonfederal groups, and to pursue international goals for global toxic substances control.

* Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the Consumer Product Safety Commission (CPSC), the Food and Drug Administration (FDA), the Food Safety and Quality Service of the Department of Agriculture, and the Department of Transportation (DOT).

A summary of the major findings and recommendations contained in the report follows.

Federal Chemical Information Systems (Chapter II)

Federal toxic substances control would be facilitated by an integrated network of chemical data systems serving the information needs of all the agencies. Such a system does not now exist. At present, the many agencies involved with toxic substances use over 220 independent data systems, all organized differently, ranging from computer systems to simple manual files. An integrated data network could be used to reduce duplicative information gathering and some delays in decisionmaking. It would be useful to states, industry, public interest groups, international organizations, and foreign governments, as well as to federal agencies.

Federal agencies are also hampered by the lack of a common means of identifying chemicals and chemical uses. Chemicals are identified in different files and publications using chemical structure, various types of chemical nomenclature or numbering systems, and common or generic names.

Another important information need is assurance of the reliability of physical and chemical data contained in the numerous data systems, especially when these are to be linked in a network.

Several interagency groups are addressing these problems. The Interagency Toxic Substances Data Committee, the major forum for these activities, was formed in February 1978 and is now coordinating development and implementation of a Chemical Substances Information Network (CSIN). The CSIN will be a loosely coupled network of data bases relating to chemicals, their production, uses, fate and transport in the environment, and effects.

Part of CSIN is expected to be operational next year, and other major components will be available in 2-5 years. Nevertheless, many complex technical, financial, administrative, and policy details have yet to be worked out. Even with the most diligent development by the Data Committee and the agencies, it may take 10 years for CSIN to be fully operational.

The TSSC places great importance on continuing the recently established interagency coordination mechanisms relating to chemical information. It considers the vigorous development of CSIN by the Interagency Toxic Substances Data Committee to be crucial and urges that CSIN continue to

receive high priority and adequate support from all the agencies concerned.

The best means for identifying chemical substances unambiguously appears to be to assign a unique number to each unique chemical structure. The Data Committee recommended, and the TSSC strongly endorses, expanded use of a computerized numbering system maintained by the Chemical Abstracts Service (CAS), a service of the American Chemical Society. Federal agencies concerned with toxic substances should be required to use the CAS numbering system as the identifier in their files and proceedings, either as the sole identifier or by cross-reference.

The TSSC further recommends that EPA expedite completion of a Chemical Use Classification System and IRLG, completion of a Chemical Regulations and Guidelines System (to provide information on federal, state, foreign, and international regulations and standards affecting particular chemicals). The National Bureau of Standards should be lead agency in establishing standards for physical and chemical data and taking other steps to promote data reliability. Finally, the IRLG should investigate the feasibility of monitoring scientific literature in an organized way for evidence of new or previously unrecognized toxic chemical problems.

The Treatment of Confidential Information (Chapter III)

Treatment of trade secrets and confidential commercial or financial information obtained in connection with toxic substances control programs has emerged in the mid-1970's as a major policy controversy. The controversy is the product of tension between two opposing interests, both recognized by Congress.

On the one hand, regulatory agencies need to collect, share and make public much scientific, technical, and economic information in order to make and explain sound control decisions. On the other hand, the toxic substances laws and certain general statutes such as the Federal Criminal Code and the Freedom of Information Act recognize that businesses have legitimate interests in keeping valuable information secret from competitors. Current federal laws generally provide agencies with the capability to obtain the information needed but because of inconsistencies and gaps do not adequately accommodate this conflict between the public right to know and the business need to protect valuable trade secrets. The conflicts arise over how far these rights should go. For example, most

environmental and health laws permit public disclosure of confidential information when it is "relevant" in a regulatory proceeding. However, agencies' policies differ on when, to whom, and under what circumstances data should be disclosed, and on what precautions to employ to prevent further unauthorized disclosure. The laws also vary as to whether confidential data may be shared with other agencies involved in toxic substances programs and as to whether such data may be disclosed to contractors which are helping an agency assess a toxic substances problem.

Current federal laws generally do not permit agencies to share confidential information with state regulators, despite their major responsibilities for protecting public health. Nor do the laws generally allow citizens access to confidential information concerning chemical hazards to which they may be personally exposed, on the job or elsewhere. Other laws impede epidemiological research by protecting the confidentiality of medical records. Finally, different rules and procedures apply in different agencies and under different statutes not just with regard to how to treat confidential data, but in regard to whether or not information should be classified as confidential in the first place.

The Toxic Substances Strategy Committee established the Subcommittee on Trade Secrets and Data Confidentiality to consider these problems. The Subcommittee examined the confidentiality provisions of 14 major toxic substances control statutes to determine their approaches to interagency data sharing, sharing of data with contractors, public disclosure of confidential health, safety, and efficacy data, and disclosure of confidential information in administrative proceedings. The Subcommittee's findings and conclusions are:

- *Interagency sharing of confidential data.* Interagency sharing of confidential data will facilitate research and regulatory action, eliminate duplicative efforts, and increase agency access to necessary information.

Inadvertent disclosure resulting from interagency sharing, a problem of concern to industry, can be prevented through employing security measures. Models for ensuring adequate security have been developed by EPA and the IRLG. The TSSC recommends that the Interagency Toxic Substances Data Committee prepare legislation to remove barriers to sharing of confidential data between health and environmental

agencies. The legislation should provide for security of the data transferred, impose penalties for the unauthorized disclosure of confidential data, and establish transfer procedures which include at least 10 days notice to the data submitter prior to transfer.

- *Sharing of confidential data with agency contractors.* Sharing of confidential data with expert contractors is essential for efficient agency implementation of health and environmental protection laws. The Interagency Toxic Substances Data Committee in consultation with the affected agencies should propose legislation permitting such sharing for all relevant agencies similar to the authority contained in TSCA and FIFRA. The legislation should require adoption of security procedures and penalties similar to those discussed in terms of interagency sharing in order to protect against inadvertent disclosure and other misuse of data. Procedures already in use by some agencies should be uniformly adopted to prevent possible misuse of data because of conflicts of interest.

- *Disclosing health, safety, and efficacy information.* The public's strong interest in (1) obtaining information on potentially toxic chemicals in products, in the workplace, and the environment in order to balance the benefits of exposure to substances against the risks in their own daily lives, and (2) participating in and reviewing government decisions, favors routine disclosure of health, safety, and efficacy data. Routine disclosure of this information could also be of substantial value to the scientific community because it assures peer review of test methods and data, reduces needless duplication of research, and advances scientific knowledge. However, health, safety, and efficacy data may represent a substantial investment and provide a competitive edge, particularly when the data have been produced to satisfy a premarket license requirement. Routine disclosure of such data could discourage innovation and competition. The TSSC therefore recommends that legislation be developed by the Interagency Toxic Substances Data Committee in consultation with affected agencies that allows public access to confidential data on a "good cause" public interest standard. The legislation should include security precautions, sanctions for unauthorized further disclosures, and notice to the data submitter. TSSC further recommends that agencies release detailed summaries where they do not have authority to release the data itself.

• *Disclosing confidential information in administrative proceedings.* The extent to which confidential information used in otherwise open administrative adjudications or rulemaking proceedings is disclosed to the parties or the public is generally left to agency discretion. The TSSC recommends, in order to ensure effective public participation in proceedings and to allow full explanation of agency decisions, that agencies develop uniform policies to provide for disclosure, without breaching confidentiality, as for example, by releasing of "sanitized" versions of data when possible. Since sanitizing data is not always possible, the Interagency Toxic Substances Data Committee should propose legislation that provides for disclosures on a good-cause public interest basis in a proceeding, and for enforceable sanctions against unauthorized further disclosures.

Research Activities That Support Regulation (Chapter IV)

Toxic substances regulation cannot be undertaken in a vacuum. Regulatory decisions to control toxic substances should be based on facts and figures as to potential harmful effects on human health or the environment, on the extent of the population at risk, on the availability and effectiveness of control alternatives, on modes of transmission and interactions in the environment. Yet obtaining all the data needed to regulate toxic substances in the U.S. is a mammoth task. It is not yet known even how many of the tens of thousands of chemicals in commercial use pose toxic hazards, much less in what amounts and under what circumstances. Testing for toxicity is a lengthy and expensive process and requires trained personnel. Thus the information available on chemicals whose effects are in question is often fragmentary and incomplete.

Given the limitations on government resources and the fact that it is industry which is introducing most new chemical substances into use, much of the scientific and technical information used in agency decisionmaking today is industry generated. Only a small portion is produced through government research, testing or monitoring programs. It is thus critical that the government use what research capabilities it has as effectively and efficiently as possible. Its resources are needed both to assess hazards about which little data are available anywhere, and to assess the adequacy and accuracy of industry-generated data, and supplement it where necessary.

The TSSC surveyed federal toxic substances research, testing, and monitoring programs to determine their scope, means of coordination and exchange of information, and methods of evaluation and to identify research areas needing increased emphasis or more scientific or technical personnel. TSSC's overall concern was whether research activities adequately support regulation and whether they are well coordinated.

In addition to its own survey, which was led by the National Science Foundation, the TSSC reviewed efforts to coordinate research planning in the IRLG, the National Toxicology Program (NTP), the Task Force on Environmental Cancer and Heart and Lung Disease, the Interagency Testing Committee, and the Interagency Task Force on Data and Monitoring.

The TSSC found that some 37 federal agencies conduct or support toxic-related research, with budget obligations totaling more than \$640 million in FY 1977. They are sponsoring research on dispersion of toxic chemicals in the environment, human exposures and effects, mechanisms of actions, aquatic ecological effects, terrestrial ecological effects, control technologies, combined programs, and miscellaneous other subjects.

These agencies were found to face problems of shortages of qualified scientific and technical personnel, and of resources to undertake long-term research. Long-term research usually requires 3-5 years or more to evaluate serious issues or hazards. Available resources are often taken up by the need to make regulatory decisions in the face of emergencies or newly discovered problems.

Other problems with federal research efforts include the difficulties of coordinating research planning among the many regulatory and research agencies, the lack of centralized information describing all research projects in progress, and the need to ensure scientific quality.

The TSSC recommends that the current high level of commitment to research, monitoring, and testing be continued. However, five topics should be given increased emphasis in the FY 1981 and subsequent budgets: terrestrial ecology, social and economic impacts of toxic substances and their regulation, epidemiology, toxicology, and control technology.

The agencies responsible for toxic substances regulation should develop proposals for building and sharing the scientific and technical capabilities needed to evaluate information

adequately that is used in regulation. They should also explore the need for additional legislative authority to conduct research or technical activities.

The TSSC found no compelling need at this time for an overall toxic substances research coordinating committee. Rather, the IRLG agencies and the National Toxicology Program (NTP) should continue their coordination efforts, and the NTP should consider adding new areas of toxic substances research and testing to its program. The TSSC further recommends that agencies supporting toxic substances research submit timely and complete information on their research projects to the Smithsonian Science Information Exchange or its successor, and that the IRLG encourage interagency sharing of peer review mechanisms and resources. In order to overcome personnel shortages, the TSSC recommends that EPA, the National Institute for Environmental Health Sciences, and the National Institute for Occupational Safety and Health develop proposals within 12 months for a federal retraining and education program in environmental health and environmental pollution control technology.

Response to Chemical Emergencies (Chapter V)

Spills and other incidents involving release of hazardous substances create serious health and environmental emergencies. Many such spills require an extremely fast response as for example, the derailment of a railroad car carrying toxic gas which has escaped. Decisions must be made accurately and rapidly on the nature of the problem and how to insure effective containment, clean-up and disposal, and monitoring of long-term effects. Other releases involve the gradual accumulation of toxic substances and unless abated, become emergencies with the passage of time, for example the leaching of toxic wastes from hazardous waste disposal sites. Although the exact number of spills is unknown, estimates prepared for EPA for all non-oil chemicals project an annual average of 2,216 spills in excess of 100 gallons each year from 1978 through 1982.

The Nation is not currently organized to deal effectively with all such emergencies. The private sector is primarily responsible under law for cleanup of hazardous substances spills and releases. Many large chemical companies and transporters are organized to respond to emergencies. However, many smaller manufacturers and transporters are not.

When industry fails to clean up a spill, the Government must take over. Most State and local emergency response plans and funds for paying for clean-up are inadequate. The Federal EPA and U.S. Coast Guard have the authority and capability to send in expert response teams, track down perpetrators, offer technical assistance and organize a cleanup. However, Federal efforts to respond to these emergencies have been hampered by overlapping authorities, by disputes over what and how substances should be designated hazardous for purposes of extending this kind of aid and by the absence of contingency funds for spills on land.

The Government also does not have adequate funds or mechanisms for providing relief or compensation to victims of a spill or for cleanup of abandoned waste sites.

The TSSC established a Subcommittee on Chemical Emergencies to look into these problems. The Subcommittee worked closely with the EPA Task Force on Environmental Emergencies, which during the same period was examining EPA's ability to respond to such situations. The TSSC found that private and Government ability to respond to spills could be improved through better contingency planning, through better response procedures, and through establishment of contingency funds. The TSSC recommendations are as follows:

- *Contingency Planning.* The National Contingency Plan coordinates all Federal efforts in the event of a spill of oil or a designated hazardous substance in navigable water. The TSSC recommends that this be expanded to cover environmental emergencies on land as well. In addition, provisions should be added regarding follow-up on environmental and health damages, both acute and chronic. The TSSC further recommends that EPA and DOT develop guidelines for State contingency planning; and that EPA and the Coast Guard develop guidelines for industry plans for responding to spills, accidents and other releases.

- *Federal Response.* The TSSC recommends that EPA and DOT regularize and make uniform their requirements for reporting of spills; that a single source of timely, accurate, uniform, and complete information on a substance be established within the Chemical Substances Information Network (CSIN) for use in emergencies; that EPA with other agencies develop a plan for doing quick assessments for substances not adequately covered by the system above; and that EPA develop

standards for cleanup and site restoration in the event of a spill.

- *Superfund Legislation.* The TSSC recommends adoption of the proposed Oil, Hazardous Substances, and Hazardous Waste Response, Liability and Compensation Act to provide contingency funds for the Federal Government to respond to and clean up inactive hazardous waste disposal sites and spills, whether on land or water, and provide some compensation to victims for economic losses.

- *Training.* EPA and the Coast Guard should combine their training efforts and give a single Federal training course to State environmental officials who will direct emergency responses. In addition, EPA and DOT should work with the National Fire Prevention and Control Academy to provide special training to firefighters in handling of hazardous substances.

- *Prevention.* The TSSC recommends that EPA and the Department of Justice should continue their efforts under relevant laws to require cleanup of spills by responsible parties. They should also consider and make recommendations for improving the cost recovery mechanisms authorized by Section 311 of the Clean Water Act. EPA, DOT, and the Small Business Administration should explore the feasibility of establishing tax or other incentives for small companies to improve their capabilities for responding to emergencies.

Regulatory Programs and Their Coordination (Chapter VI)

Over two dozen laws, some of them overlapping, grant authority for federal regulation of toxic chemicals.

The multiplicity of approaches resulting from the variety of statutory requirements has positive effects. It reflects real differences in the types of toxic substances problems and their solutions. However, coordination is essential in order to ensure consistency of regulatory actions, efficient use of public and private resources, and attention to the most significant hazards.

On the whole, the TSSC found this legislative authority to be adequate, but in two areas it requires strengthening: authority for uniform liability and compensation for hazardous substances pollution damages, including those from abandoned waste sites (see Chapter V), and coverage of cosmetics, which is currently less comprehensive than for food, drugs, and other chemical substances.

Cosmetic manufacturers are not required to inform the Food and Drug Administration about product

ingredients, results of any prior testing, or any adverse reactions reported. Some manufacturers volunteer the information, but with limited access to complete information, the burden of proof is on the government to show that a cosmetic may be injurious as used or that its labeling may be false or misleading. Without either the information or the authority to compel manufacturers to provide it, the determination of risk and the ability to take regulatory action are severely limited.

Despite the statutes and their authorities, regulatory resources are limited compared to the job to be done. Progress has been slow in setting standards and in fulfilling other statutory mandates. The Environmental Protection Agency and the Occupational Safety and Health Administration have set standards for only a handful of air, water, workplace, and drinking water pollutants over the last decade. The regulatory response often seems like a "chemical of the week" approach rather than a planned strategy. Regulation of toxic chemicals will continue to be slow and somewhat ad hoc because of constraints of scientific knowledge, resources, and complexity of the social, economic, political, legal, scientific, and technical factors to be considered.

The regulatory agencies are taking steps to speed the regulatory process and to achieve consistency and coordination among programs. Individual agencies are making use of "generic" policies or regulations, i.e., they are covering similar hazards at once instead of individually, in order to simplify and shorten regulatory proceedings. Collectively, the regulatory agencies are cooperating through the Interagency Regulatory Liaison Group³ in the development of compatible approaches to screening, testing, and risk assessment, in the development of regulatory standards, compliance and enforcement, and in the use of field personnel and facilities.

A shortcoming in federal regulation is the failure to develop new approaches to the costs and benefits of regulation. Many of the laws and agency policies regarding toxic chemicals regulation calls for some consideration of these factors; for some hazards the laws require adequate protection of human health "to the extent feasible." Some agencies use cost-benefit analysis as one of several tools in making decisions; others consider present methods and data bases too limited to do so.

³The IRLG is composed of EPA, OSHA, CPSC, and the Food Safety and Quality Service of the Department of Agriculture.

The benefits of regulation—pain not suffered, lives not lost—are especially difficult to quantify. Another practical difficulty is how to handle uncertain but suggestive evidence of harmful effects of substances. Further, benefits may be underestimated if the total costs of regulating a substance are compared to only the one hazard that is the subject of the particular regulation, rather than to the effects from the chemical's entire life cycle.

Costs are also difficult to estimate. They may be over-estimated if long run adjustments in the economy are not considered—such as substituting less risky substances for the one being regulated. On the other hand, they may be underestimated if possible adverse effects of alternative substances are not anticipated, or if the indirect costs associated with disruption to the industry are ignored.

Despite inherent limitations of cost-benefit analysis in general and the errors and omissions that are frequently made when cost-benefit analysis is applied to toxic substances regulation, improvements in analytical methods will help the agencies to select consistent and cost effective ways to reduce risks—i.e., to achieve the greatest protection of human health and the environment that is possible with available resources.

Recognizing that coordination of toxic substances programs is necessary to make efficient use of available resources, the TSSC recommends that the IRLG agencies identify the stage and aspects of the regulatory process for which closer coordination would be desirable and most cost effective. Certain present IRLG activities should be continued and expanded: developing regulations for selected chemicals of common interest; defining new research initiatives; developing common approaches to risk assessment; developing compatible testing standards and guidelines; and encouraging interaction among the agencies at the Federal, State, and local levels. Further, if the regulatory agencies are to respond fully to the legislative mandate and public health problems posed by toxic chemicals, their resources must be enhanced.

The Regulatory Council in close cooperation with the agencies, is asked to undertake a major effort to improve methods for estimating costs and benefits of regulation and for evaluating them. The TSSC also recommends increased use of generic approaches to identification and assessment of chemical risks, increased funding of public participation in the regulatory

process, and development of a coordinated labeling strategy by the IRLG agencies together with the Department of Transportation.

TSSC also urges the Administration to develop and support legislation for strengthened cosmetic regulation, including authority for the Food and Drug Administration to obtain test data and other information from industry and including an increased inspection authority for FDA.

Cancers and Carcinogens: Prevention Policy (Chapter VII)

Cancer is the only major cause of death that has continued to rise since 1900. It is now second only to heart disease as a cause of death and is responsible for the loss of 400,000 lives each year. Infectious diseases have dropped dramatically since the turn of the century, and the average age of the U.S. population has increased. But even after correcting for age, both mortality (deaths) rates and incidence (new cases) are increasing.

It is now recognized that environmental (non-genetic) factors contribute to the great majority of cancer cases seen. Studies show that most cancer cases—perhaps as many as 80 to 90 percent—are not just a legacy of race or genetic heritage but are also a function of cultural and physical environments and of personal habits. Many now believe that a cancer is likely to be the result of several causative agents, some of which are potentially preventable. Cancers also appear to be multi-staged, and various environmental factors may affect different stages in the progression to malignancy.

Studying this group of diseases and their causes is complicated by the fact that typically there is a latency period of 15–40 years between initial exposure to the agent(s) that cause cancer and the clinical appearance of tumors. Epidemiology is and will continue to be an important tool in the study of human cancer risks, but scientists generally agree that animal tests are a valid and essential means of identifying potential human carcinogens. Such tests provide a more rapid and less expensive means of identifying these substances than trying to trace an exposed human population over a 20 year period. Animal tests have suggested that many substances previously thought to be safe are in fact carcinogenic. Nevertheless, most substances are not capable of causing cancer, even when tested at high doses.

Since passage of the National Cancer Act in 1971, the nation's cancer policy has emphasized basic understanding of the basic biological and biochemical

bases of cancer; better methods of intervention, diagnosis and treatment; and identification of environmental and genetic causes of cancer. Individuals and groups are exposed to potentially carcinogenic substances through food, the workplace, consumer products, tobacco products, drugs, and air and water pollutants. Regulations of these substances is aimed at reducing or eliminating human exposures.

As federal agencies have begun to regulate exposure to carcinogens in the past decade, recurring problems have arisen determining whether a substance may cause cancer, assessing the cancer risk, establishing regulatory priorities, and taking regulatory action. Virtually all aspects of cancer prevention policy have been extensively examined within the federal government since formation of the TSSC, through the policies and procedures of EPA, OSHA, CPSC, the IRLG Risk Assessment Work Group and others.

Publication by the IRLG agencies of the scientific bases for identification of potential carcinogens and estimation of risk is an important step in achieving consistent agency policies.

Underlying regulatory decisions on potential carcinogens and the agency policies are principles basic to the identification of potential human carcinogens:

- Properly qualified animal tests are accepted as valid ways to identify chemical substances that may cause cancer in humans. Experimental animals, such as mice, rats and hamsters, are appropriate test species and have been used extensively since the 1930s. In all but one or two cases, chemicals that are known to cause cancer in humans have also been found to cause cancer in small rodents. Several substances first identified as causing cancer in rodents have later been confirmed as carcinogenic in humans.

- Established test protocols, which include administration of high test doses, are appropriate and valid methods for identifying potential carcinogens in humans. The intrinsic carcinogenic character of a chemical substance is independent of dose level. High test doses make this characteristic easier to discern.

- Methods do not now exist for determining a "safe" threshold level of exposure to Carcinogens. Uncertainties in the dose-response relationship between specific exposures and cancer risk, unknown factors that influence individual susceptibility to cancer, and unpredictable interactions among cancer-causing agents prevent

determinations of safe levels for human exposure to a carcinogen, however small, is regarded as an addition to the total carcinogenic risk.

• Methods for quantifying the estimated human risks from a given exposure to a potential carcinogen can provide only approximations of the actual risk.

The TSSC recommends that the agencies responsible for the regulation of potential carcinogens continue to identify and evaluate ways to streamline their procedures. Agencies should seek to place the burden of proof on proponents of use or exposure to a substance. The IRLG agencies should seek to adopt generic policies for carcinogens, and establish procedures for taking interim regulatory actions prior to the time-consuming process of establishing permanent standards and regulations, wherever possible under law.

The TSSC further recommends that the IRLG agencies, as well as the National Cancer Institute, the NIEHS and other agencies, should seek to educate the public about policies and procedures that are currently widely misunderstood. These include use of laboratory animal tests to determine potential human carcinogenicity, and the fact that there is no current method for determining a threshold of "safe" level for human exposure to a carcinogen.

International Issues (Chapter VIII)

Toxic substances control problems affect all nations, both industrialized and developing, in their efforts to protect human health and the environment. Especially in view of the new emphasis on prevention, the United States and other industrialized nations share responsibility to provide information and assistance to less developed countries so that they can avoid mistakes made by the industrialized nations. Even countries that may never become chemical producers are often the unwitting recipients of hazardous substances and products exported by countries in which they are banned or are severely restricted.

There is growing recognition of the need to consider toxic substances in a global context. Because many toxic substances cross national boundaries or affect the global commons, they can be controlled only through concerted international action or similar actions by individual nations.

Many governments are developing or have recently enacted laws that provide for assessment of the effects of

chemicals in commerce and/or at the premarket stage and for their regulation. These laws have as a common objective the protection of human health and the environment. Countries are concerned that differences in regulation will strain resources (e.g., if one country would not accept test data from another country) or lead to barriers to world trade.

Although absolute uniformity of regulatory approaches among countries is not considered possible or desirable, mutual confidence among nations in each other's control measures is essential.

Developing international consistency in toxic substances control is not easy, however. Differences among countries in social, political, economic, cultural, and technological values and experience lead to differences in interpreting scientific data and considering the risks and benefits of control. Impediments to international exchange of information are even greater than those hindering exchange among domestic agencies.

With these difficulties coupled with the fact that most countries are preoccupied with developing toxic substances controls within their own boundaries, it would be tempting to delay international efforts until internal matters stabilize. There are reasons why national and international strategies are and should be proceeding simultaneously: to develop consistent approaches before implementation of individual national control programs will restrict flexibility to do so, to begin early on the many complex issues for which extensive consultations will be required prior to international agreement, and to permit some early agreements to contribute to solutions of other problems in sequence.

The TSSC reviewed recent international toxic substances activities and recommends that the United States continue its vigorous support of efforts to achieve consistency among nations in the control of toxic substances. Consistency is especially important in the areas of good laboratory practices, chemical nomenclature and key terms relating to toxic substances control, and data requirements for new chemicals in international commerce. The Chemicals Program of the Organization for Economic Cooperation and Development (OECD) is singled out for particular support. Additional areas for which improved international cooperation and information exchange should be promoted are the identification of potentially dangerous chemicals and the development of related health and safety data; development of methods for assessing

risks and benefits; acquisition of technical information on safe production, use, and waste disposal; and development of ways to respond cooperatively to chemical crises. The results of these efforts should become the basis for agreement on an international convention for toxic substances control.

Additional TSSC recommendations cover more specific needs: obtaining international agreement on notification between governments of hazardous substances exports and on uniform labeling of hazardous substances in international commerce; facilitating sharing among countries of technical information relating to environmental and health effects of toxic substances and their safe production, use, and disposal; obtaining more accurate data on the export and import of chemicals regulated or proposed for regulation; sharing information and developing uniform criteria relating to land and ocean disposal of hazardous wastes; and implementing the provisions of Executive Order 12114 regarding environmental review of certain major government actions that have effects outside the United States.

[FR Doc. 79-25397 Filed 8-15-79; 8:45 am]

BILLING CODE 3125-01-M

Reader Aids

Federal Register

Vol. 44, No. 160

Thursday, August 16, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

- 202-783-3238 Subscription orders (GPO)
- 202-275-3054 Subscription problems (GPO)
- "Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
- 202-523-5022 Washington, D.C.
- 312-663-0884 Chicago, Ill.
- 213-688-6694 Los Angeles, Calif.
- 202-523-3187 Scheduling of documents for publication
- 523-5240 Photo copies of documents appearing in the Federal Register
- 523-5237 Corrections
- 523-5215 Public Inspection Desk
- 523-5227 Finding Aids
- 523-5235 Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

- 523-3419
- 523-3517
- 523-5227 Finding Aids

Presidential Documents:

- 523-5233 Executive Orders and Proclamations
- 523-5235 Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

- 523-5266 Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
- 5282
- 275-3030 Slip Law Orders (GPO)

Other Publications and Services:

- 523-5239 TTY for the Deaf
- 523-5230 U.S. Government Manual
- 523-3408 Automation
- 523-4534 Special Projects
- 523-3517 Privacy Act Compilation

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR	1872.....	46250
	1945.....	46250
	1951.....	46250
	1955.....	46250
	2852.....	45602
3 CFR		
Administrative Orders:		
Presidential Determinations:		
No. 79-12 of July 31, *		
1979.....	47915	
No. 79-13 of August 3,		
1979.....	47916	
4 CFR		
81.....	47755	
5 CFR		
Ch. I.....	47523	
Ch. XIV.....	45359	
210.....	45587	
430.....	45587	
432.....	45591	
534.....	47029	
752.....	47029	
772.....	46249	
1001.....	47525	
Proposed Rules:		
630.....	46288	
733.....	47543	
771.....	45629	
6 CFR		
Proposed Rules:		
705.....	47232	
7 CFR		
Ch. II.....	45880	
27.....	45917	
53.....	45320	
245.....	47034	
277.....	47037	
301.....	45594	
417.....	47525	
781.....	47526	
908.....	45359, 46777, 47917	
910.....	45595, 47039	
919.....	46427	
925.....	46249	
926.....	46427, 47757	
947.....	46250	
967.....	47917	
979.....	45917	
993.....	46250	
1011.....	46777	
1124.....	47263	
1421.....	47526	
1435.....	45596	
1464.....	45115, 47533	
1806.....	45115	
1822.....	46250	
1861.....	46250	
1863.....	46250	
	1872.....	46250
	1945.....	46250
	1951.....	46250
	1955.....	46250
	2852.....	45602
Proposed Rules:		
Ch. XVIII.....	46852	
431.....	46468	
432.....	47917	
722.....	47543	
799.....	45631	
927.....	46777	
933.....	45400	
979.....	46474	
1040.....	47774	
1065.....	47950	
1135.....	48128	
1260.....	46288	
1427.....	47096, 47544	
1804.....	47774	
1924.....	47774	
2859.....	47096	
8 CFR		
238.....	47757	
Proposed Rules:		
214.....	46853	
9 CFR		
51.....	45604	
78.....	47534	
82.....	46263	
97.....	45605	
201.....	45359	
309.....	45605	
318.....	45606	
381.....	45606	
Proposed Rules:		
1.....	45912	
2.....	45912	
3.....	45912	
92.....	45631	
112.....	46290	
113.....	45634	
318.....	47098	
381.....	47098	
10 CFR		
2.....	47758	
19.....	47535	
20.....	47535	
50.....	47918	
51.....	45362, 45374	
70.....	47918	
73.....	47758	
208.....	45918	
211.....	45375	
212.....	45352	
463.....	47264	
508.....	46676	
595.....	47920	

FEDERAL REGISTER PAGES AND DATES, AUGUST

45115-45358.....	1
45359-45586.....	2
45587-45916.....	3
45917-46248.....	6
46249-46426.....	7
46427-46776.....	8
46777-47028.....	9
47029-47262.....	10
47263-47522.....	13
47523-47754.....	14
47755-47914.....	15
47915-48140.....	16

711.....	45918
1021.....	45918
Proposed Rules:	
Ch. II.....	47736
Ch. III.....	47736
Ch. IX.....	47736
9.....	47950
211.....	46244, 47546
212.....	45900, 45909, 45957, 47546
214.....	47951
375.....	45900, 45909, 46236
376.....	46236
391.....	45900, 45909
420.....	45958
485.....	45976
503.....	46854
505.....	46854
903.....	45141

12 CFR

4.....	46263
7.....	46428
201.....	45115
205.....	46432
217.....	46434, 46436, 46437, 47535
226.....	46438
329.....	46264
344.....	45375
526.....	46440, 46441
531.....	46445
541.....	46444
545.....	45116, 46441, 46444, 47759-47764
556.....	46445
563.....	46441, 47764
571.....	47764
715.....	45607
741.....	45607
747.....	45607

Proposed Rules:

Ch. II.....	45406
219.....	46475
220.....	47775, 47776
226.....	45141
509.....	45175
509a.....	45175
545.....	45635, 46477
550.....	45175
563.....	45635, 46477
566.....	45175

13 CFR

107.....	45120
108.....	45123
121.....	47039
Proposed Rules:	
Ch. I.....	45412
121.....	47098

14 CFR

21.....	46778
39.....	45375-45377, 45918, 45919, 46872, 46783, 47322, 47924
45.....	45378
65.....	46778
71.....	45379, 45920, 45921, 46784-46791, 47322-47324, 47925, 47926
73.....	46787, 46790, 46792, 47325
75.....	46787, 46788, 46790,

47326	
91.....	45921
97.....	47326
207.....	47536
208.....	47536
299.....	45380
300.....	47536
302.....	46446
399.....	45608
1203.....	45610

Proposed Rules:

39.....	45960, 46855
71.....	45413, 45960-45962, 46857, 47345, 47951, 47952
73.....	45413-45416, 45962, 46856, 47953
75.....	45963
91.....	45964
152.....	46858
204.....	46880
312.....	45637

15 CFR

922.....	46266
----------	-------

16 CFR

2.....	47766
13.....	47926
14.....	47328

Proposed Rules:

Ch. I.....	45178
13.....	45181, 47098, 47346
802.....	47099

17 CFR

200.....	46793
210.....	45610
211.....	47537
231.....	46752
240.....	46447, 46736
249.....	46447

Proposed Rules:

1.....	45192
240.....	46748, 47953
249.....	47953
270.....	47100, 47546

18 CFR

1.....	46449, 46453
3.....	46449
35.....	46453
277.....	46454
281.....	45922
294.....	46455

Proposed Rules:

154.....	46291
159.....	47348

19 CFR

4.....	467943
10.....	46794
11.....	46794
24.....	46794
127.....	46794
132.....	46794
141.....	46794
142.....	46794
143.....	46794
144.....	46794
151.....	46794
158.....	46794
159.....	45923, 46794
172.....	46794
173.....	46794

Proposed Rules:

Ch. I.....	45334
6.....	46880
134.....	47103

20 CFR

404.....	47766
416.....	47766
655.....	47040
676.....	47260

Proposed Rules:

Ch. III.....	48040
901.....	46881

21 CFR

74.....	45614
101.....	46266
102.....	45614
178.....	47537, 47538
201.....	45615, 46267, 47042
314.....	47042
520.....	47043, 47538
522.....	45618, 47538
524.....	46268, 47539
540.....	47044
556.....	45618
558.....	45618, 47044
601.....	45617
610.....	45617
650.....	45617

Proposed Rules:

Ch. I.....	48040
16.....	47698, 47699
50.....	47713
56.....	47698, 47699
71.....	47698, 47699, 47713
101.....	45641
171.....	47698, 47699, 47713
173.....	45641
180.....	47698, 47699, 47713
189.....	45641
201.....	47547
203.....	47104
207.....	47547
250.....	45642
310.....	47698, 47699, 47713
312.....	47698, 47699, 47713
314.....	47698, 47699, 47713
320.....	47698, 47699, 47713
330.....	47698, 47699, 47713
361.....	47698, 47699, 47713
429.....	47528
430.....	47698, 47699, 47713
431.....	47548, 47698, 47699, 47713

514.....	47548
601.....	47698, 47699, 47713
630.....	47698, 47699, 47713
680.....	45642
701.....	47547
801.....	45644
808.....	47105
813.....	47713
1000.....	45645
1003.....	47698, 47699, 47713
1010.....	47698, 47699, 47713
1020.....	45645

22 CFR

6a.....	47767
17.....	47927
1001.....	45618

23 CFR

230.....	46831
630.....	46835

Proposed Rules:

635.....	46882
----------	-------

24 CFR

42.....	47329
58.....	45568
108.....	47012
203.....	46835
220.....	46835
221.....	46835
222.....	46835
226.....	46835
235.....	46835
510.....	47512
570.....	46836
841.....	46996

Proposed Rules:

Subtitle A.....	45342
Subtitle B.....	45342
9.....	45416
55.....	47006
107.....	46295
109.....	46295
203.....	46885, 46886, 47549
204.....	46886
213.....	46886
220.....	46886
240.....	46886
265.....	46295
390.....	46891
882.....	46296
2205.....	47105

25 CFR

55a.....	46269
153.....	47329

26 CFR

1.....	46459, 46838, 47046
12.....	46459
48.....	47767

Proposed Rules:

1.....	45192, 47550
53.....	47958
601.....	45192

27 CFR**Proposed Rules:**

Ch. I.....	45326
6.....	45298
8.....	45298
10.....	45298
11.....	45298

28 CFR

0.....	46272
60.....	46459

Proposed Rules:

Ch. I.....	45295
------------	-------

29 CFR

1600.....	47516
1601.....	47058
1613.....	45623
2618.....	47059

30 CFR

252.....	46404
----------	-------

Proposed Rules:

45.....	47746
250.....	47109

31 CFR	180.....45386, 47934	161g.....45976	540.....47123
8.....47059	205.....45194, 45203, 45204, 45210, 45624	640.....46901	611.....46903, 47124
Proposed Rules:	408.....45944	1062.....47961	652.....45227
Subtitle A.....45326	600.....46846	46 CFR	672.....47124
51.....45335	Proposed Rules:	Ch. I.....47359	810.....47386
32 CFR	50.....47959	221.....46492	
158.....47332	51.....46481	47 CFR	
168.....47767	52.....45210, 45420, 45647, 46481, 46482, 46892-46895, 47350, 47557, 47559, 47777, 47959	Ch. I.....47935	
214.....46841	60.....47778	1.....45396	
360.....47335, 47931	65.....47111, 47960	31.....47359	
505.....46459	81.....45210, 45650, 44970, 47778	33.....47359	
701.....46272	85.....46686	42.....47359	
810.....45623	86.....46296, 47113	43.....47359	
813a.....45624	120.....45651	73.....45395, 45625, 45626, 45951, 47092, 47936	
879.....47540	162.....45218, 46303, 46414	76.....45951	
903.....47929	163.....47777	81.....45396	
940.....45624	414.....47113	83.....45396, 45627	
Proposed Rules:	416.....47113	87.....45627	
41.....46296	41 CFR	201.....47772	
513.....45967	101-26.....47934	202.....47772	
953.....45193	101-36.....47359	Proposed Rules:	
33 CFR	Proposed Rules:	15.....45227	
17.....47932	101-36.....46305	64.....47961	
117.....45924, 47335	42 CFR	73.....45653, 47962-47964	
161.....45381, 47932	21.....46846	81.....46493	
165.....45925, 47335, 47336, 47933	53.....45946	83.....46493	
183.....47934	57.....45946	87.....47118	
Proposed Rules:	90.....45946	49 CFR	
117.....45969	100.....45946	Ch. X.....46847	
161.....47349	122.....47064	1.....47937	
36 CFR	Proposed Rules:	173.....47937	
7.....45124	Ch. I-IV.....48040	571.....46849, 46850	
223.....45925	405.....47117	393.....47938	
907.....45925	440.....46899	609.....47343	
1228.....47018	43 CFR	1033.....45397, 46277, 46278, 46460, 47773	
Proposed Rules:	1600.....46386	1036.....47541	
231.....46480	3422.....45946	1245.....45956	
261.....47110	Proposed Rules:	1246.....45956	
1213.....45417	Ch. II.....45425	Proposed Rules:	
37 CFR	Public Land Orders:	127.....47966	
304.....45130	4228 (Corrected by PLO 5675).....45133	171.....47966	
Proposed Rules:	5675.....45133	172.....47966	
201.....47550	5676.....45133	173.....47966	
202.....47555	44 CFR	174.....47966	
38 CFR	64.....45133, 45387	175.....47966	
3.....45930	65.....45136, 45137, 45388, 45390	176.....47966	
36.....47336	67.....45391-45394	177.....47966	
Proposed Rules:	Proposed Rules:	571.....45426, 47966	
3.....46891	60.....45652	1056.....45429	
39 CFR	67.....45225-45227, 45970- 45972, 47560, 47568	1065.....47120	
10.....46460	45 CFR	50 CFR	
Proposed Rules:	174.....47444	18.....45565	
10.....47556	175.....47444	20.....46462, 47093	
111.....47959	176.....47444	32.....45137, 46279, 46280, 46463, 46464, 47093, 47939- 47942	
40 CFR	302.....45137	33.....45397, 46464	
1.....45131	1388.....45947	611.....45398, 46285	
52.....46273, 46465, 46845, 47769	1968.....47935	674.....45398, 46286	
65.....46274, 46275, 47060- 47063, 47540	Proposed Rules:	810.....47902	
80.....46275, 47541	Subtitles A & B.....48040	Proposed Rules:	
86.....47884	46.....47688	17.....47862	
122.....47063	64.....45973	20.....47246	
125.....47063		216.....46903	
162.....45131		402.....47862	
		405.....47862	
		530.....45654	

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLS	HEW/FDA		DOT/SLS	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

ENVIRONMENTAL PROTECTION AGENCY

- 41429 7-17-79 / Approval and Revision of the Penn. Implementation Plan

List of Public Laws

Last Listing August 13, 1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

- H.R. 4476 / Pub. L. 96-49 "Higher Education Technical Amendments of 1979" (Aug. 13, 1979; 93 Stat. 351) Price: \$.75
- H.J. Res. 19 / Pub. L. 96-50 "National Lupus Week" (Aug. 13, 1979; 93 Stat. 356) Price: \$.75
- H.J. Res. 209 / Pub. L. 96-51 "National Diabetes Week" (Aug. 13, 1979; 93 Stat. 357) Price: \$.75
- S. 1318 / Pub. L. 96-52 To amend title 13 of the United States Code to provide a limited exemption to the Bureau of the Census from the provisions of section 322 of the Act of June 30, 1932. (Aug. 13, 1979; 93 Stat. 358) Price: \$.75

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1979)

<u>Quantity</u>	<u>Volume</u>	<u>Price</u>	<u>Amount</u>
_____	Title 7—Agriculture (Parts 1120 to 1199)	\$4.50	\$ _____

[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)]

PLEASE DO NOT DETACH

MAIL ORDER FORM To:

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

Enclosed find \$..... (check or money order) or charge to my Deposit Account No.

Please send me copies of:

PLEASE FILL IN MAILING LABEL
BELOW

Name
Street address
City and State ZIP Code

FOR USE OF SUPT. DOCS.

Enclosed.....
To be mailed
later.....
Subscription.....
Refund.....
Postage.....
Foreign Handling.....

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING YOUR ZIP CODE

SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE
BOOK

Name
Street address
City and State ZIP Code